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CANADA

# STATUTORY ORDERS AND REGULATIONS

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CONSOLIDATION, 1949

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VOLUME II

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1950





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# STATUTORY ORDERS AND REGULATIONS

In effect on 31st December, 1949

## EDUCATIONAL SERVICES, CONTINUATION OF

See VETERANS (Department of Veterans Affairs Act)

## ELECTIONS

See DOMINION ELECTIONS ACT

## ELECTRICITY AND FLUID EXPORTATION ACT.

(R.S.C., 1927, c. 54.)

### Regulations respecting the Exportation of Electricity and Fluid

P.C. 5179

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 10th day of November, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and under the authority of the Electricity and Fluid Exportation Act, Revised Statutes of Canada, 1927, chapter 54, is pleased to order as follows:

1. The Regulations governing the exportation of electric energy, petroleum, natural gas, water or other fluid, established by Order in Council P.C. 18/2406 of 4th November, 1907, and the Regulations governing the collection of the export duty on electricity, established by P.C. 569 of 18th April, 1925, are hereby revoked; and

2. The regulations hereto annexed entitled "Regulations respecting Exportation of Electricity and Fluid" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

### *Regulations Respecting Exportation of Electricity and Fluid*

1. For the purposes of these regulations,

- (a) "electricity" means electric power or electric energy;
- (b) "Minister" means the Minister of Trade and Commerce;
- (c) "petroleum" includes all liquid products of petroleum;
- (d) "unit" means (i) in respect of electric power, one kilowatt; (ii) in respect of electric energy, one kilowatt hour, that is, 1,000 watts passing for one hour; (iii) in respect of a liquid, one Imperial gallon or one cubic foot as defined in the Weights and Measures Act; and (iv) in respect of a gas, one cubic foot as defined in the regulations made under the Gas Inspection Act.

**Electricity and Fluid Exportation Act—continued****PART I—EXPORT OF ELECTRICITY, PETROLEUM OR NATURAL GAS***Licence to Export*

2. An application for a licence to export from Canada, by transmission or pipe line, electricity, petroleum or natural gas shall be made to the Minister on a form of application provided by the Minister. The applicant shall complete such form in duplicate in all respects, shall furnish therein all information required by the form, shall indicate therein any transmission line or pipe line that is to be used, shall forward the duplicate completed forms to the Minister and shall furnish such further information as the Minister may require.

3. The applicant shall pay with an application for any licence a licence fee of twenty-five dollars which shall be refunded if the licence is not granted.

4. (1) If the Governor in Council, on the recommendation of the Minister, grants a licence to the applicant to export any electricity, petroleum or natural gas, the licence shall be issued by the Minister and shall be subject to the terms and conditions therein and herein set forth; provided that any such licence may make provision in accordance with section 7 of the Electricity and Fluid Exportation Act.

(2) Every licence shall terminate on the last day of March next following its effective date unless an earlier date of termination is specified in the licence. If a licensee desires to continue the export authorized by his licence, he shall, not later than one month before its date of termination, make an application for a further licence.

5. (1) A monthly report shall be made by the licensee to the Department of Trade and Commerce through the Director of Standards, in such form as the Director may specify, to be mailed to the Director not later than the 15th day of the month following the month to which the report relates, showing

- (a) the total number of units of electricity, petroleum or natural gas exported by him during such month; and
- (b) full particulars of the generating plants, wells or other sources of the exported electricity, petroleum or natural gas, showing separately the total number of units thereof generated or produced thereat in such month (i) for export and (ii) for consumption in Canada.

If the exported electricity, petroleum or natural gas is not generated or produced by the licensee, his monthly report need only show the total number of units exported in accordance with clause (a) preceding, and the monthly report showing the particulars set forth in clause (b) preceding shall be made by the person who supplies the licensee with the exported electricity, petroleum or natural gas.

(2) The export duty of three one-hundredths of one cent (.030 cents) per kilowatt hour imposed on exported electricity by proclamation published pursuant to Order in Council P.C. 397 of the 16th day of March, 1925, shall be paid monthly by the exporter, by marked cheque payable to the Receiver General of Canada which shall be attached to the report required by this section together with the meter readings upon which the amount of the cheque is based and the serial numbers of the meters.

6. For the measurement of the electricity, petroleum or natural gas exported under any licence, the instruments and method shall be those permitted under the Electricity Inspection Act, 1928, the Weights and



**Electricity and Fluid Exportation Act—continued**

Measures Act and the Gas Inspection Act, respectively, subject to any special directions by the Minister. When electricity is exported, such instruments shall be installed by the licensee or by his supplier in a manner that will show the total number of units of energy (a) generated by him for export, (b) generated by him for consumption in Canada, (c) actually exported, and that will show the maximum rate of export at any time.

7. (1) A licence for the export of electricity shall state the maximum rate in terms of kilowatts and the maximum quantity in terms of kilowatt hours that may be exported under the licence.

(2) A licence for the export of any petroleum or natural gas shall state the number of gallons or cubic feet, as the case may be, that may be exported under the licence.

*Licence to Construct Line*

8. An application for a licence to construct a transmission line for the exportation of electricity or a pipe line for the exportation of petroleum or natural gas shall be made to the Minister on a form of application provided by the Minister. The applicant shall complete such form in duplicate in all respects, shall furnish therein all information required by the form, shall forward the duplicate completed forms to the Minister and shall furnish such further information as the Minister may require.

9. With his application, the applicant shall furnish a drawing or map showing the proposed location of the transmission line or pipe line and any extension thereof and shall state

- (a) the gauge of any proposed wire conductors for the transmission of electricity;
- (b) the diameter in inches of any proposed pipe; and
- (c) the number of such conductors or pipes that he proposes to construct.

In addition, the applicant shall give in full such information regarding voltages, impedances, pressures, velocities, heads and other characteristics of the wires, pipes and generating or pumping equipment as may be necessary to permit an accurate computation of the maximum capacity of such transmission lines or pipes under all conditions attainable in use.

10. If the Governor in Council, on the recommendation of the Minister, grants a licence to the applicant to construct any transmission line or pipe line, the licence shall be issued by the Minister and shall be subject to the terms and conditions therein and herein set forth.

*General Provisions*

11. The price charged by any licensee for any electricity, petroleum or natural gas exported by him shall not be lower than the price at which electricity, petroleum or natural gas, respectively, is supplied by him or by his supplier in similar quantities and under similar conditions of sale for consumption in Canada.

12. Any officer authorized by the Minister to make inspection may at all reasonable times enter any premises in which electricity, petroleum or natural gas is generated or produced for export, in order

- (a) to inspect the plant and test any wires, pipes, meters or other measuring devices through which the electricity, petroleum or natural gas is supplied;

**Electricity and Fluid Exportation Act—continued**

- (b) to inspect any books and records for the purpose of ascertaining the quantities of electricity, petroleum or natural gas supplied and the prices charged therefor and any other information relevant to the administration of the said Act or of these regulations.

**13.** The accuracy of every meter or measuring device through which electricity, petroleum or natural gas is sold in Canada or exported shall be subject to verification in accordance with the Electricity Inspection Act, 1928, the Weights and Measures Act, or the Gas Inspection Act, respectively, and regulations made thereunder.

**PART II—EXPORT OF FLUIDS OTHER THAN PETROLEUM OR NATURAL GAS**

**14.** (1) An application to export by pipe line any fluid other than petroleum or natural gas, including any fluid consisting of a suspension of a substance in a liquid or gas, shall be made to the Minister on a form of application provided by the Minister. The applicant shall complete the form in duplicate in all respects, shall furnish therein all information required by the form, shall indicate therein any pipe line that is to be used, shall forward the duplicate completed forms to the Minister and furnish such further information as the Minister may require. The applicant shall pay with the application a licence fee of twenty-five dollars which shall be refunded if the licence is not granted.

(2) If the Governor in Council, on the recommendation of the Minister, grants a licence to export the fluid, the licence shall be issued by the Minister, shall be subject to the terms and conditions therein set forth and shall terminate as therein specified.

(3) Reports at such times and with such particulars as may be specified in the licence or prescribed by the Minister from time to time shall be made by the licensee to the Department of Trade and Commerce through the Director of Standards.

**15.** (1) An application for a licence to construct a pipe line for the exportation of the fluid shall be made to the Minister on a form of application provided by the Minister. The applicant shall complete the form in duplicate in all respects, shall furnish therein all information required by the form, shall forward the duplicate completed forms to the Minister and furnish such further information as the Minister may require. With the application, the applicant shall furnish a drawing or map showing the proposed location of the pipe line and any extension thereof, and shall

- (a) state the number and diameter in inches of all pipes to be used, and
- (b) give in full such particulars of the pipes and pumping equipment as may be necessary to permit an accurate computation of the maximum capacity of such pipes under all conditions attainable in use.

(2) If the Governor in Council, on the recommendation of the Minister, grants a licence to construct the pipe line, the licence shall be issued by the Minister and shall be subject to the terms and conditions therein set forth.

**16.** (1) The accuracy of every meter or measuring device through which the fluid is sold in Canada or exported by the licensee shall be subject to verification in accordance with the Weights and Measures Act or Gas Inspection Act, as the case may be, and regulations made thereunder.

(2) Any officer authorized by the Minister to make inspection may at all reasonable times enter the licensee's premises in order to inspect the



**Electricity and Fluid Exportation Act—concluded**

plant and test any pipe, meter or other measuring device through which the fluid is supplied and to inspect any books and records for the purpose of ascertaining the quantities of fluid supplied, the prices charged therefor and any other information relevant to the administration of the said Act or of these regulations.

**ELECTRICITY INSPECTION ACT. (R.S.C., 1927, c. 55)**

1. *The Electricity Inspection Regulations.*
2. *Order respecting the inspection of meters.*

**1. The Electricity Inspection Regulations**

A revision of these regulations, which are of a highly technical character, has been in progress for some time but had not been completed on December 31, 1949. In the place of the revised regulations, which will not be available for some months, an office consolidation of the regulations in effect on December 31, 1949, will be found in Appendix III to this Consolidation. The revised regulations, when available, will be published in Part II of the *Canada Gazette*.

**2. Order respecting the Inspection of Meters**

P.C. 291

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 25th day of January, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Order in Council P.C. 1263 of the 8th day of April, 1948, as amended by Order in Council P.C. 3047 of the 8th day of July, 1948, required certain electricity and gas meters affected by the undermentioned Wartime Meter Inspection Order to be presented by the owner for re-verification, re-sealing, re-stamping or cancellation of the seal or stamp not later than December 31, 1948;

AND WHEREAS the Minister of Trade and Commerce reports that much of such re-verification has been accomplished but certain meter owners are subject to such difficulties respecting materials and labour involved in preparation of such meters for re-verification that it is desirable that some time-limits for re-verification be extended; and, further, it is desirable to make provision for future re-verification of certain meters that were re-verified and re-sealed or re-stamped while the Wartime Meter Inspection Order was in force;

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by the Electricity Inspection Act, 1928, and the Gas Inspection Act, is pleased to order as follows:

1. Order in Council P.C. 1263 of the 8th day of April, 1948, as amended, is hereby revoked.

**Electricity Inspection Act—concluded**

2. All meters referred to in sections 3 and 4 of the Wartime Meter Inspection Order, being Order in Council P.C. 1450 of the 23rd day of February, 1943, that have not been presented by the owner for re-verification and re-sealing or re-stamping or for the cancellation of the seal or stamp by an inspector pursuant to Order in Council P.C. 1263 of the 8th day of April, 1948, and that have not been scrapped, burnt or destroyed, shall be so presented by the owner in accordance with the following schedule:

- (a) all meters last sealed or stamped by an inspector before January 1, 1943, shall be so presented by the owner not later than December 31, 1949;
- (b) of the meters last sealed or stamped by an inspector in the year 1943, two-thirds shall be so presented by the owner not later than December 31, 1949, and the remaining one-third shall be so presented by him not later than June 30, 1950;
- (c) all meters last sealed or stamped by an inspector in the year 1944 shall be so presented by the owner not later than December 31, 1950.

3. Any meter that has not been scrapped, burnt or destroyed and that was last sealed or stamped by an inspector on any day in the year 1945, 1946 or 1947 shall be presented by the owner for re-verification and re-sealing or re-stamping or for the cancellation of the seal or stamp by an inspector within six years from such day.

N. A. ROBERTSON,  
*Clerk of the Privy Council*

**EMERGENCY EXCHANGE CONSERVATION ACT. (1947-48, c. 7)**

1. *The Emergency Exchange Conservation (Schedule II) Regulations.*
2. *The Emergency Exchange Conservation (Schedule III) Regulations.*
3. *Operation of Act suspended with respect to certain classes of goods listed in Schedule III.*

**1. The Emergency Exchange Conservation (Schedule II) Regulations**

P.C. 5702

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and by virtue of the powers conferred by The Emergency Exchange Conservation Act, is pleased to order as follows:

1. The following Orders in Council are hereby revoked:—
  - (a) Orders in Council making or amending the Emergency Exchange Conservation (Schedule II) Regulations:
    - P.C. 1707 of April 16, 1948
    - P.C. 4790 of October 22, 1948
    - P.C. 5733 of December 10, 1948
    - P.C. 1200 of March 22, 1949
    - P.C. 1570 of April 1, 1949

**Emergency Exchange Conservation Act—continued**

- (b) Orders in Council providing that the operation of the Act is to be suspended with respect to certain goods or that certain goods shall be deemed to be included in Schedule II or III in place of Schedule I:—

P.C. 5732 of December 10, 1948

P.C. 6039 of December 29, 1948

P.C. 4915 of September 26, 1949

P.C. 4916 of September 27, 1949.

2. The Regulations hereto attached as Annex 1 are hereby made and established as the Emergency Exchange Conservation (Schedule II) Regulations in substitution for the Regulations hereby revoked.

3. The operation of The Emergency Exchange Conservation Act is suspended with respect to the classes of goods enumerated in Annexes 2 and 3 hereto.

4. Goods enumerated in Annex 4 hereto shall be deemed to be included for the purposes of the said Act and regulations thereunder in Schedule II in place of Schedule I, and in the respective categories specified.

5. Goods enumerated in Annex 5 hereto shall be deemed to be included for the purposes of the said Act and regulations thereunder in Schedule III in place of Schedule I.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

ANNEX 1

SHORT TITLE

1. These regulations may be cited as The Emergency Exchange Conservation (Schedule II) Regulations.

INTERPRETATION

2. (1) In these regulations:

(a) "basic period" means

(i) with respect to goods imported into Newfoundland, the period of twelve months ending on March 31, 1948; and

(ii) with respect to goods imported into Canada, the period of twelve months ending on June 30, 1947;

(b) "Minister" means Minister of Finance;

(c) "Class" means either the Scheduled Class or the Non-Scheduled Class;

(d) "Scheduled Class" means a class of countries including the following countries: Cuba, Dominican Republic, Guatemala, Haiti, Panama, El Salvador, Switzerland, Union of Soviet Socialist Republics, United States of America and its possessions, Venezuela;

(e) "Non-Scheduled Class" means a class of countries including all countries other than the countries in the Scheduled Class; and

(f) other words and expressions have the same meaning as in The Emergency Exchange Conservation Act.

(2) For the purpose of these regulations goods shall be deemed to be imported from

(a) a country in the Scheduled Class

(i) if the goods are the produce or manufacture of a country in the Scheduled Class whether shipped to Canada from that country or any other country, or



**Emergency Exchange Conservation Act—continued**

- (ii) if the goods are shipped to Canada from a country in the Scheduled Class, without regard to the country of which they are the produce or manufacture; and
- (b) a country in the Non-Scheduled Class, if the goods are the produce or manufacture of a country in the Non-Scheduled Class and have been shipped from a country in the Non-Scheduled Class under a bill of lading showing the ultimate destination to be a specified port in Canada.
- (3) For the purpose of these regulations
- (a) the value of the goods in any category imported by an applicant from countries in any Class during any period shall be deemed to be the value of such goods entered under the Customs Act for consumption in Canada or entered for consumption in Newfoundland by the applicant during that period;
- (b) where, before the commencement of this subsection, the value of any goods imported but not entered for consumption during the basic period was included in computing a quota established under these regulations, the amount of the quota shall be adjusted to the amount that would be established in accordance with this subsection.

**APPLICATION**

3. These regulations apply in respect of the granting of permits for the import of goods listed in Schedule II of The Emergency Exchange Conservation Act and "goods in any category" means goods listed in a category specified in that Schedule.

**QUOTAS**

4. (1) Except as provided in Sections five and six, no permit shall be issued to an applicant permitting the import by him during any period of twelve months from countries in any Class of goods in any category, of a value in excess of a quota for the applicant established in accordance with this section for the import during that period from countries in that Class of goods in that category.

(2) A quota for an applicant for the import during a period of twelve months from countries in any Class of goods in any category shall be determined in accordance with directions from the Minister having regard to the amount produced by multiplying

- (a) the value of the goods in that category imported into Canada and Newfoundland by the applicant from countries in that Class during the basic period

by

- (b) the ratio that
  - (i) the total value of the goods in that category that may be imported from countries in that Class during a period of twelve months, calculated as provided in subsection three, bears to
  - (ii) the total value of the goods in that category that were imported into Canada and Newfoundland from countries in that Class during the basic period.

(3) For the purposes of subsection two the total value of the goods in any category that may be imported from countries in a Class during a period of twelve months shall be the following percentage of the average of the total value of the goods in that category that were imported into Canada and Newfoundland from countries in that Class in each of the calendar years 1937, 1938 and 1939, namely:—

**Emergency Exchange Conservation Act—continued**

<i>For goods in</i>	<i>Percentage</i>
Category 1.....	300
(at present operation of Act is suspended with reference to all goods in this category)	
Category 2.....	520
Category 3.....	250
Category 4.....	250
Category 5.....	250

5. Until otherwise provided by regulation, the operation of The Emergency Exchange Conservation Act and these regulations is suspended with respect to goods listed in Schedule II thereof imported from countries in the Non-Scheduled Class and with respect to any goods imported from any country when entered for Customs purposes under Tariff Items 690, 690a, 692a, 693, 696, 700, 702, 703 (a), 704, 705, 705a, 706, 707, 708 and 709.

6. Nothing contained in section four shall prohibit the Minister from issuing permits or establishing a quota for the import of any goods by any person in any case where the Minister is of opinion that exceptional hardship would result if a permit were not issued or a quota established or that unusual circumstances warrant granting the permit or establishing the quota.

7. A reference in any document issued under The Emergency Exchange Conservation Act or these Regulations or in any permit to goods as falling within one of the groups specified below shall be deemed, for the purpose of that Act and these Regulations, to be a reference to goods falling within the category in Schedule II of that Act specified after such group below, namely,

<i>A reference to goods in Group</i>	<i>Means goods in Category</i>
A .....	1
B .....	2
C .....	3
D .....	4
E .....	5

ANNEX 2

GOODS SUSPENDED FROM SCHEDULE I OF THE EMERGENCY EXCHANGE CONSERVATION ACT

<i>Tariff Item No.</i>	<i>Description</i>
ex 7	Meats, fresh, n.o.p., but not including fresh pork.
8	Canned meats, poultry or game.
9	Poultry and game, n.o.p.
9a	Quails, partridges, and squabs, dead or alive, n.o.p.
ex 10	Meats, prepared or preserved, other than canned, but not including prepared or preserved bacon, hams, shoulders and other pork.
16	Eggs in the shell.
18a	Peanut butter.
29a	Tea, n.o.p. (not imported direct from the country of growth and production).
31	Ginger and spices, ground, n.o.p.
33	Nutmegs and mace, ground.
36\	Compressed yeast.
37\	
38	Yeast cakes.
42a	Table salt.

**Emergency Exchange Conservation Act—continued**

<i>Tariff</i>		<i>Description</i>
<i>Item No.</i>		
	43	Condensed milk.
ex	45	Prepared cereal foods.
	46	
ex	47	Beans, n.o.p. (except soya beans)
	48	Peas, n.o.p.
	63	Rice, cleaned.
	63a	
	67	Macaroni and Vermicelli
	87	Vegetables, fresh, in their natural state, or cut or shredded.
ex	711	
	92	Fruits, fresh, in their natural state: apricots, cherries, cranberries, peaches, pears, plums or prunes, strawberries, raspberries, loganberries, berries, edible, n.o.p., quinces, nectarines.
	94	Grapes, fresh, in their natural state.
	95	Cantaloupes and muskmelons.
	95a	Melons, n.o.p.
	96	Fruits, fresh, in their natural state, n.o.p.
	96a	Kumquats, fresh.
	97	Plantains, pineapples, pomegranates, guavas and mangoes.
	108	Honey in the comb or otherwise, and imitations thereof.
ex	109	Nuts of all kinds, in the shell, n.o.p.
	110	Cocoanuts, n.o.p.
	123a	Crabs, clams or shrimps in sealed containers.
	124	
	125	
	126	
	127	Oysters.
	128	
ex	123	
ex	133	
	130	Turtles.
	138	Maple sugar and maple syrup.
	139	Glucose or grape sugar, glucose syrup and corn syrup, or any syrups containing an admixture thereof, n.o.p.
	143	Cigars.
	143a	Cigarettes.
	152c	Grape juice in containers of more than one gallon capacity each.
	192b	Sandpaper, glass or flint paper, and emery paper or emery cloth.
ex	197	
ex	197b	Towels, napkins, table covers, tray covers and doilies, of paper; fancy shelf and lace papers; paper handkerchiefs; facial tissues and toilet paper, including such materials in jumbo rolls; Gummed paper, printed or not.
ex	198	
ex	199	
ex	181	
ex	509	
	226	Candles.
	235b	Liquorice in rolls or sticks, not sweetened.
	247	Liquid fillers, anti-corrosive and anti-fouling paints, and ground and liquid paints, n.o.p.
	248	Paint and colours, ground in spirits, and all spirit varnishes and lacquers.
	249	Varnishes, lacquers, japans, japan driers, liquid driers, and oil finish, n.o.p.
	251	Gold liquid paint.
ex	257	Writing ink, but not including drafting, artists' or instrument ink.
ex	271	Lubricating oils composed wholly or in part of petroleum, in containers of less than 25 Imperial gallons each.
ex	272	Refined petroleum jellies and oils, for toilet, medicinal, edible, or similar purposes, in containers of less than 25 Imperial gallons each or less than 250 pounds each in weight, including the weight of the container.



**Emergency Exchange Conservation Act—continued**

<i>Tariff Item No.</i>	<i>Description</i>
ex 272a	Petroleum greases and lubricating greases, n.o.p., in containers of less than 25 Imperial gallons each or of less than 250 pounds each in weight, including the weight of the container.
323 }	Mirrors of glass, and silvered glass, bevelled or not and framed or not, n.o.p.
ex 326a }	
ex 326(i)	Decanters and machine-made tumblers of glass, not cut nor decorated, n.o.p.
ex 445e	Wet cell electric and galvanic batteries.
ex 465	Signs other than electric signs; letters and numerals of any material other than paper.
503	Planks, boards, clapboards, laths, plain pickets and other timber or lumber of wood, not further manufactured than sawn or split, whether creosoted, vulcanized, or treated by any other preserving process, or not.
504	Planks, boards and other lumber of wood, sawn, split or cut, and dressed on one side only, but not further manufactured.
504a	Ponderosa pine lumber ( <i>pinus ponderosa</i> ) and California sugar pine lumber ( <i>pinus Lambertiana</i> ), not further manufactured than planed, dressed, or jointed, for use in Canadian manufactures.
505	Planks, boards, deals and other lumber of wood, not further manufactured than planed, dressed, jointed, tongued or grooved, n.o.p.
505a	Hardwood flooring, tongued and/or grooved, or jointed, viz.:—beech, birch, maple and oak.
ex 506	Door and window frames and sash.
506a	Clothespins and parts thereof.
506b	Wooden doors of a height and width not less than 6 feet and 2 feet, respectively.
507	Single-ply, sliced or rotary-cut veneers of rosewood, mahogany or Spanish cedar, not over five-sixteenths of an inch in thickness, not taped or jointed.
ex 507a	Single-ply, sliced or rotary-cut veneers of oak or walnut, n.o.p., not over five sixteenths of an inch in thickness, not taped or jointed.
507b	Veneers of wood of any kind, not over five-sixteenths of an inch in thickness, taped or jointed.
507c	Plywood made of two or more layers of veneer or lumber of wood, glued or cemented together, but not further manufactured.
507e	Plywood made of two or more layers of wood glued or cemented together and faced with metal on one or both sides.
508	Mouldings of wood.
ex 514	Coffins and caskets.
ex 711	Synthetic casing for meat.
ex 711 }	Cases, boxes, bowls, baskets, bottles, dishes and trays adapted for personal, household or office use, or for the packaging of goods for retail sale, of which the component of chief value is brass or bronze.
ex 362c }	
ex 427 }	
ex 446a }	Andirons, screens, tongs and other furnishings for fireplaces; door knockers.
et al }	
ex 703b	Goods enumerated elsewhere in Schedules I and II, except goods to which paragraph (c) of subsection two of section three of this Act applies.

ANNEX 3

GOODS SUSPENDED FROM SCHEDULE II OF THE EMERGENCY EXCHANGE CONSERVATION ACT

<i>Tariff Item No.</i>	<i>Description</i>
CATEGORY 1—FRUITS AND VEGETABLES	
83	Potatoes, as hereunder defined:
	(a) In their natural state.
	(b) Dried, desiccated, or dehydrated.

**Emergency Exchange Conservation Act—continued**

<i>Tariff Item No.</i>	<i>Description</i>
	(c) Sweet potatoes in their natural state.
	(d) Sweet potatoes, n.o.p.
84	Onions, in their natural state, including onions grown with tops, shallots, and onion sets.
93	Apples, fresh, in their natural state.
100	Grapefruit, when imported from the place of growth by ship, direct to a Canadian port.
100a	Grape fruit, n.o.p.
101	Oranges, n.o.p.
101a	Lemons.
101b	Oranges, the produce of Palestine (when imported direct from the country of growth and production or from a country entitled to the benefits of the British Preferential Tariff) during the months of January, February, March and April.
102	Limes.
152	Lime juice, fruit syrups and fruit juices, n.o.p.
152b	Orange juice, grapefruit juice, and blended orange and grapefruit juice, the product of the British West Indies, when imported direct from the country of production.

## CATEGORY 2—TEXTILES

569c	Hat braids, of a class or kind not made in Canada, whether woven, knitted or plaited, not exceeding six inches in width, imported for use exclusively in the manufacture of hat bodies or shapes, but not for use in the ornamentation or trimming of such bodies or shapes, under regulations prescribed by the Minister.
569d	Woven fabrics, not exceeding two inches in width, made with unserrated selvages, generally known as single, double or four shot corded ribbon, imported by the manufacturers of men's hats for use exclusively in their own factories in making the bands for, or in binding the edges of, men's hats only.

## CATEGORY 3—LEATHER, LEATHER PRODUCTS AND RELATED GOODS

604	Belting leather in butts or bends; and all leather further finished than tanned, n.o.p.
604a	Crust oil leather, for use in manufacturing chamois leather.
604b	Sole leather.
605	Leather produced from East India tanned kip, uncoloured or coloured other than black, when imported for use exclusively in lining boots and shoes; genuine reptile leathers.
605a	Genuine pig leathers and genuine Morocco leathers; so-called roller leathers.
606	Leather produced from East India tanned kip, n.o.p.
607	Leather, when imported by manufacturers of gloves or leather clothing, for use exclusively in manufacturing gloves or leather clothing, in their own factories.
607	Leather, consisting of beef-cattle hides, horsehides or sheepskins, but not including suedes, Cabrettas, Spanish capes or African capes, when imported by manufacturers of gloves or leather clothing, for use exclusively in manufacturing gloves or leather clothing in their own factories.
Pt. 2	
607a	Leather, not further finished than tanned, in whole hides, in grains, or splits, when imported by manufacturers of upholstering leathers, for use exclusively in the manufacture of upholstering leathers, in their own factories.
608	Leather not further finished than tanned, and skins, n.o.p.
608a	East India kip leather, not further finished than tanned, for use in Canadian manufactures.

**Emergency Exchange Conservation Act—continued**

<i>Item No. Tariff</i>	<i>Description</i>
608b	Sheepskin and goatskin leather, not further finished than tanned, when imported by tanners for processing in their own factories.

CATEGORY 4—MISCELLANEOUS

326e	Articles of glass, not plate or sheet, designed to be cut or mounted; articles of glassware, when imported by manufacturers of silverware to be used in receptacles made of or electro-plated with precious metals or to be equipped with tops made of or electro-plated with precious metals, in their own factories.
366	Watches of all kinds.
366a	Watch actions and movements, finished or unfinished.
367	Watch cases, and parts thereof, finished or unfinished.
368	Clocks, time recorders, clock movements, clockwork mechanisms, and clock cases.

CATEGORY 5—PREPARED FOODS

17	Cheese.
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ANNEX 4

GOODS DEEMED TO BE INCLUDED FOR THE PURPOSES OF THE EMERGENCY EXCHANGE  
CONSERVATION ACT AND REGULATIONS THEREUNDER IN  
SCHEDULE II IN PLACE OF SCHEDULE I

<i>Tariff Item No.</i>	<i>Description</i>
CATEGORY 2—TEXTILES	
451e} et al}	Slide, hookless or zipper fasteners and parts thereof.
602} 603}	Fur skins, wholly or partially dressed.
625	Caps, hats, muffs, tippets, capes, coats and cloaks of fur, and other manufactures of fur, n.o.p.
629	Umbrellas, parasols and sunshades of all kinds and materials.
ex 651	Buttons of all kinds, n.o.p. (except recognition buttons).

CATEGORY 4—MISCELLANEOUS

ex 180 } 181a}	Pictorial post-cards, greeting cards and similar artistic cards or folders finished or unfinished.
195	Paper hanging or wall papers, including borders or bordering.
354a	Kitchen or household hollow-ware of aluminum, n.o.p.
354b	Kitchen or household hollow-ware of nickel, n.o.p.
ex 427h	Motion picture projectors for use with films less than one and one-eighth of an inch in width, with or without sound equipment, and motion picture screens adapted for use therewith.
432b	Hollow-ware of iron or steel, coated with vitreous enamel.
433	Baths, bathtubs, basins, closets, lavatories, urinals, sinks and laundry tubs of iron or steel, coated or not.
ex 443	Apparatus designed for cooking or for heating buildings (not including parts).
449	Steel wool, including steel wool impregnated with soap or in retail packages containing a cake of soap.
ex 462	Cameras, not including those for professional use; binoculars and opera glasses.
519	House, office, cabinet or store furniture of wood, iron or other material, and parts thereof, not to include forgings, castings, and stampings of metal, in the rough.
519a	Wire screens, wire doors and wire windows; cash registers; window cornices and cornice poles of all kinds; hair, spring and other mattresses; curtain stretchers, furniture springs and carpet sweepers.



**Emergency Exchange Conservation Act—continued**

<i>Tariff Item No.</i>	<i>Description</i>
CATEGORY 5—PREPARED FOODS	
22	Preparations of cocoa or chocolate in powder form.
27	Coffee, roasted or ground, when not imported direct from the country of growth and production.

## ANNEX 5

GOODS DEEMED TO BE INCLUDED FOR THE PURPOSES OF THE EMERGENCY EXCHANGE  
CONSERVATION ACT AND REGULATIONS THEREUNDER IN  
SCHEDULE III IN PLACE OF SCHEDULE I

<i>Tariff Item No.</i>	<i>Description</i>
ex 415d	Sewing machines, domestic, with or without motive power incorporated therein.

**2. The Emergency Exchange Conservation (Schedule III) Regulations**

P.C. 6232

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 13th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by The Emergency Exchange Conservation Act, chapter 7 of the Statutes of Canada, 1948, is pleased to order as follows:

1. The Emergency Exchange Conservation (Schedule III) Regulations, established by Order in Council P.C. 1668 of 16th April, 1948, as amended, are hereby revoked; and

2. The following Regulations are hereby made and established in substitution for the Regulations hereby revoked:

*Regulations Respecting Schedule III of the Emergency Exchange  
Conservation Act*

1. These regulations may be cited as the Emergency Exchange Conservation (Schedule III) Regulations.

2. In these regulations,

- (a) "Act" means the Emergency Exchange Conservation Act;
- (b) "basic period", except in Newfoundland, means the twelve months ending on October 31, 1947, and in Newfoundland means the twelve months ending on March 31, 1948;
- (c) "manufacturer" includes assembler; and "manufacture" and "manufactured" shall have a corresponding meaning;
- (d) "Minister" means the Minister of Trade and Commerce.

3. These regulations apply to the issue of permits for the import of goods listed in Schedule III to the Act.

4. The Minister may issue permits to import goods in such cases as he deems necessary, having regard to the economic needs of Canada and to the availability of comparable goods from Canadian sources and, in particular instances, shall be governed by the following principles, where applicable:

**Emergency Exchange Conservation Act—continued**

- (a) that importation of the goods is necessary to enable a manufacturer to continue manufacturing essential products of a type which he was manufacturing in Canada on and before November 17, 1947, or in Newfoundland on and before March 31, 1949; or
- (b) that importation of the goods is necessary to enable the applicant for permit to undertake proposed manufacturing operations in Canada in regard to which he had made direct financial commitments on or before November 17, 1947, or to undertake proposed manufacturing operations in Newfoundland in regard to which he had made direct financial commitments on or before March 31, 1949, and the abandonment of whose plans would, in the opinion of the Minister, impose severe hardship; or
- (c) the importation is necessary because
  - (i) it or its end product is essential to the maintenance of the Canadian economy, or
  - (ii) it or its end product will result in exports the value of which will exceed the value of the imported goods over a reasonable period.

**5. Permits may be issued**

- (a) for the importation of specific goods deemed by the Minister to be in accord with the principles set forth in Section 4 but which do not form part of a continuous pattern of importation; or
- (b) for the importation of a quantity of goods (represented by an aggregate value hereinafter called an allotment) when deemed by the Minister to be in accord with the principles set forth in Section 4 and to follow a continuous pattern of importation.

**6.** In any case in which goods do not qualify for importation under the principles set forth in Section 4 but it appears to the Minister that importation of the goods should be permitted for the purpose of enabling the manufacturer thereof to maintain representation of such goods in Canada, importation of the goods from such manufacturer may be permitted to the extent deemed by the Minister to be reasonably necessary for such purpose.

**7. (1)** Permits may be issued for allotments of (a) production material, being material which appears in any form in an end product, (b) consumable stores, being items not generally carried in capital account by industry, (c) component parts or (d) finished products; and they may be issued upon condition that they apply to all or any importations made by the holder of the permit,

- (i) even though not listed in a Schedule to the Act, or
- (ii) listed in a Schedule to the Act, or
- (iii) listed only in Schedule III to the Act.

**(2)** In the case of a manufacturer in Canada, an allotment shall be for a quantity represented by an aggregate value calculated as follows:

- (a) in respect of production material and finished products capable of being produced from the same type of production material, the allotment shall be a percentage, fixed from time to time by the Minister, of the average industrial import cost of production material per unit of the comparable product in the basic period, multiplied by the number of such units manufactured or imported as finished products in the basic period by the applicant for permit—such average industrial import cost being the total average

**Emergency Exchange Conservation Act—continued**

import cost of production material incurred by manufacturers who, in the basic period, manufactured in Canada approximately 75 per cent of the total Canadian manufacture of that type of product in such period; provided that the Minister, in his discretion, may in individual cases apply the percentage to the applicant's actual average import cost of the material in the basic period, as shown by certified cost statements submitted by the applicant;

- (b) in respect of consumable stores, repair and maintenance parts and finished goods, the allotment shall be a percentage, fixed from time to time by the Minister, of the cost of such stores, parts and finished goods, respectively, imported by the applicant in the basic period as shown by certified cost statements or estimates submitted by him and satisfactory to the Minister;
- (c) in addition to an allotment calculated in accordance with the foregoing, there may be granted to the holder of a permit a further allotment consisting of a percentage, fixed from time to time by the Minister, of the value by which such holder's exports during any prescribed twelve months exceed his exports in the basic period; or a percentage fixed by the Minister of such basic period exports, to the same countries or to different countries or classes of countries as the Minister may decide;

provided that the Minister, in individual cases, may adopt, as the basic period any period deemed by him to be more representative of the operations concerned.

(3) In the case of an importer whose importations are intended for resale in Canada, an allotment shall be determined by the Minister on a basis that is consistent, so far as practicable, with the provisions of subsection (2) preceding.

(4) Notwithstanding anything contained in this Section, the Minister, in his discretion, may in any case issue a permit for specific goods instead of a permit for an allotment or *vice versa*.

8. Every person who applies for a permit shall specify the tariff item that is listed in a Schedule to the Act and in which the goods that he wishes to import are included; and, if the conditions of a permit so provide, goods of the same type or capable of serving the same purpose,

- (a) that are subsequently acquired by him from a Canadian supplier containing material that was imported in other than basic form, or
  - (b) that have been imported by him during a specified period prior to issue of the permit and after January 1, 1948,
- shall form part of and be charged by the holder of the permit against an allotment granted by the permit.

9. Every person who applies for a permit or to whom a permit is issued shall furnish such information, reports and returns at such times and in such manner and form as may be specified from time to time by the Minister or by any person authorized by the Minister to act on his behalf.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*



Emergency Exchange Conservation Act.—*continued*

3. Order suspending operation of Act with respect to certain classes of goods listed in Schedule III

P.C. 6535

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and by virtue of the powers conferred by The Emergency Exchange Conservation Act, chapter 7 of the Statutes of Canada, 1948, is pleased to order as follows:

1. Order in Council P.C. 1669 of 16th April, 1948, as amended, is hereby revoked; and

2. The operation of The Emergency Exchange Conservation Act is hereby suspended in respect of the following classes of goods as listed in Schedule III to the said Act:

<i>Tariff Item</i>	<i>Description</i>
ex 238a	Cinematograph or moving picture film negatives one and one-eighth of an inch in width or over.
378	Bars and rods, of iron or steel; billets, of iron or steel, weighing less than 60 pounds per lineal yard: (a) Not further processed than hot rolled, n.o.p. (b) Not further processed than hammered, or pressed, n.o.p. (c) Cold rolled, drawn reeled, turned or ground, n.o.p. (d) Hot rolled, valued at not less than 4 cents per pound, n.o.p.
388	Iron or steel angles, beams, channels, columns, girders, joists, tees, zeos and other shapes or sections, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, n.o.p.; piling of iron or steel, not punched or drilled, weighing not less than 35 pounds per lineal yard, including interlocking sections, if any, used therewith, n.o.p.
388a	Iron or steel shapes or sections, as hereunder defined, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, viz.: I-beams, up to and including 6 inches in depth, but not to include H sections; channels, up to and including 7 inches in depth; angles, up to and including 6 inches by 6 inches; zeos, up to and including 6 inches in depth of web.
388b	Iron or steel angles, beams, channels, columns, girders, joists, tees, zeos, and other shapes or sections, not punched, drilled or further manufactured than hot rolled, n.o.p.; piling of iron or steel, not punched or drilled, including interlocking sections, if any, used therewith, n.o.p.
388c	Iron or steel beams or joists, not punched, drilled or further manufactured than hot rolled, weighing less than 5½ pounds per lineal yard for each inch in depth of web.
388d	Iron or steel angles, beams, channels, columns, girders, joists, piling, tees, zeos, and other shapes or sections, punched, drilled or further manufactured than hot rolled or cast, n.o.p.
438f	Hot rolled strip of iron or steel with rolled or mill edge, of a class or kind not made in Canada, when imported for use in the importer's own factory, in the manufacture of the goods enumerated in tariff items 424 and 438a, or in the manufacture of parts therefor.

**Emergency Exchange Conservation Act—concluded**

<i>Tariff Item</i>	<i>Description</i>
ex 462b	Cinematograph and motion picture cameras, 35 mm., for use by professional motion picture producers having studios in Canada equipped for motion picture production; parts of the foregoing for production use.
657a	Cinematograph or moving picture films, positives, one and one-eighth of an inch in width and over, n.o.p.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**EMERGENCY GOLD MINING ASSISTANCE ACT. (1947-48, c. 15)****The Emergency Gold Mining Assistance Regulations**

P.C. 2664

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 11th day of June, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of The Emergency Gold Mining Assistance Act, Chapter 15 of the Statutes of Canada, 1948, is pleased to make the attached regulations entitled "The Emergency Gold Mining Assistance Regulations", and they are hereby made and established accordingly.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*The Emergency Gold Mining Assistance Regulations*

1. These regulations may be cited as The Emergency Gold Mining Assistance Regulations.

2. In these regulations

- (a) "Act" means The Emergency Gold Mining Assistance Act;
- (b) "application" means an application for assistance payments;
- (c) "assistance payments" means payments authorized under the Act;
- (d) "capital expenditures on exploration and development in the mine" include expenditures upon shafts, stations, underground crusher and pumping stations, main haulage ways, ore and waste passes, loading pockets, and on other development work designed for continuing use;
- (e) "minister" means the Minister of Mines and Resources; and
- (f) "quarterly period" means a period of three months commencing with the month of January, April, July or October.

**Emergency Gold Mining Assistance Act—continued**

APPLICATIONS

*Annually or for Quarterly Advances*

3. (1) An operator of a mine may
  - (a) apply for assistance payments in respect of the gold produced and sold in accordance with the Act during the whole of a designated year at any time within six months after the end of the year or, where the Minister is satisfied that the application could not be made within that period, within such additional period as the Minister may fix; or
  - (b) within six months after the end of a quarterly period in a designated year, apply for a payment by way of advance on account of assistance payments, in respect of gold produced during the designated year and before the end of that quarterly period, and sold in accordance with the Act as soon as is practicable after the production thereof.

(2) No amount may be paid by way of advance on account of assistance payments in respect of gold produced during a designated year and before the end of a quarterly period in excess of eighty per cent of the amount that might be paid under the Act in respect of that gold less the amount of any payment made by way of advance previously made.

(3) It is a condition of the payment of any amount by way of advance on account of assistance payments in respect of gold produced during a designated year that if the person to whom the payment is made does not make application in respect of gold produced by him during the whole of that designated year within the time specified therefor in paragraph (a) of subsection one, he is liable to His Majesty to repay the whole amount of the payment so made, on the first day of July following the end of the designated year, or in a case where the Minister has fixed a further period for making application under paragraph (a) of subsection one of this section, on the day following the end of such further period.

*Forms of Applications*

4. (1) An application shall be made in the form set out in Schedule I (Form MREA 1) to The Director, Mines, Forests and Scientific Services Branch, Department of Mines and Resources, Ottawa.

(2) Every application shall be accompanied by a schedule of costs of production of gold during the designated year or the period in respect to which the application is made, in the form and completed in the manner set out in Schedule II (Form MREA 2), which shall form part of the application.

(3) The first application made by any person in respect of a mine shall be accompanied by a declaration of ownership of the mine of its operation during the base year and of other information, as set out in Schedule III (Form MREA 3), which shall form part of such application.

(4) An applicant shall furnish such additional material and information in support of his application as the Minister may require and any information so furnished forms part of his application.

(5) Where any application or other form under this regulation is completed on behalf of a corporation, the form shall be signed by the President or General Manager and by the Secretary or Treasurer or Secretary-Treasurer, of the corporation.



**Emergency Gold Mining Assistance Act—continued***Records to Support Applications*

5. (1) Every person who makes application shall keep records and books of account in his place of business in Canada in such form and containing such information as will enable him to furnish the information required in his application.

(2) It is a condition to the making of assistance payments to any person mentioned in subsection one that he has kept all books and records therein mentioned and all accounts or vouchers necessary to verify the information in any such book or record until written permission for their disposal has been obtained from the Minister.

*Must be Lawfully Entitled to Mine Gold*

6. No assistance payment shall be made to any persons in respect of gold unless the ore or material from which the gold was produced was mined on a mining claim or mining property upon which that person was entitled to mine gold under the laws of the province or territory in which the claim is situated.

*Certain Works that are or are not Gold Mines*

7. (1) For the purposes of the Act and these regulations, where a person operates a work or undertaking in which ore containing gold is mined and sells the ore without separating the gold from it for a price computed on the basis of the value of the gold and other minerals contained in the ore less fair and reasonable amounts in respect of the separation therefrom of the gold and other minerals, or other services in relation thereto, if the value of the gold is seventy per cent or more of the total value of the ore,

(a) the work or undertaking shall be deemed to be a gold mine, and

(b) where the gold is separated therefrom in Canada, the gold shall be deemed to have been produced and sold to His Majesty at the Royal Canadian Mint on the day upon which it was shipped in accordance with the sale, if the gold separated therefrom has been so sold, or an equivalent amount of gold in respect of which this Act does not otherwise apply has been so sold, by the person who separates it from the ore as soon as practicable after the day of shipment, or

(c) where the ore is exported from Canada in accordance with the sale thereof before the gold is separated therefrom, the gold contained in the ore shall be deemed to have been produced, exported from Canada and sold on the day upon which the ore was shipped if the gold has been finally paid for as soon as practicable after that date.

(2) In computing the cost of production of gold contained in ore sold by a person as provided in subsection one, the amounts deducted from the value of the gold in computing the price of the ore, shall for the purpose of the Act, be deemed to be a cost of production of the gold incurred by that person.

8. (1) No work or undertaking for the production of gold is deemed to be a gold mine for the purpose of the Act until it has commenced its first year of production as defined in the Act, and unless an amount of more than fifty troy ounces of fine gold is produced therefrom during the designated year.

(2) No work or undertaking for the production of gold is deemed to be a gold mine for the purpose of the Act if, in the opinion of the Minister, the operator thereof has failed to develop ore reserves of commercial

**Emergency Gold Mining Assistance Act—continued**

significance or to make reasonable progress in reducing the cost of production of gold therefrom to a reasonable commercial level, or if the Minister is of the opinion that there is no reasonable possibility of attaining production of gold from the mine on a commercial basis within a reasonable time.

**CALCULATION OF COSTS OF PRODUCTION**

*Where other Mineral Produced*

9. Where the operator of a gold mine produces therefrom a mineral other than gold, the cost of production attributable to gold produced and sold during a designated year is the amount obtained by deducting from the total cost of production of that gold and such other mineral produced during that year, the amounts received directly or indirectly by the operator from the sale of such other mineral during the designated year or as soon thereafter as is practicable, or if the other mineral is not so sold, the market value thereof.

*Depreciation*

10. (1) Subject to subsection two, the amount that may be included in the cost of production of gold from a mine for any period in respect of depreciation of mining and processing plant and other depreciable assets used in such production, shall be computed by applying the same normal rate of percentage per annum to the value of depreciable assets as is employed for that purpose in determining income from the mine during that period for the purposes of the Income War Tax Act, but not in any case exceeding fifteen per cent per annum.

(2) Where the income from a mine is exempt from tax under paragraph (x) of section four of the Income War Tax Act, by reason of being within the first three years of production, and the operator of the mine has elected thereunder to defer wholly or in part normal charges in respect of depreciation until after the end of the period of exemption, the amount that may be included in the cost of production of gold from the mine in respect of depreciation for any period that is within the period of exemption shall be such reasonable rate of percentage of the value of its depreciable assets as is determined by the Minister, not exceeding fifteen per cent per annum.

*Pre-production Expense*

11. (1) Subject to subsection two, the amount that may be included in the cost of production of gold from a mine for any period in respect of amortization of pre-production expenses shall be determined on the same basis as is employed for the computation of deductions in respect thereof in computing income from the mine during that period for the purpose of the Income War Tax Act but not in any case exceeding fifteen per cent per annum of those expenses.

(2) Where the income from a mine is exempt from tax under paragraph (x) of section four of the Income War Tax Act and the operator of the mine has elected thereunder to defer wholly or in part the normal charges in respect of amortization of pre-production expenses until after the end of the period of exemption, the amount that may be included in the cost of production of gold in respect of amortization of pre-production expenses for any period within the period of exemption shall be such reasonable rate of percentage of the amount of pre-production expense as is determined by the Minister, not exceeding fifteen per cent per annum.

**Emergency Gold Mining Assistance Act—continued***Deferred Development Expense prior to January 1, 1948*

12. The amount that may be included in the cost of production of gold from the mine for any period in respect of amortization of capital expenditures upon development in the mine made after commencement of production and before January 1, 1948, shall be determined on the same basis as is employed for the computation of deductions in respect thereof in computing income from the mine during that period for the purpose of the Income War Tax Act but not exceeding fifteen per cent per annum of the expenditures.

*Exploration and Development Expense*

13. (1) Subject to this section, there may be attributed to the cost of production of gold from a mine for a designated year amounts expended in respect of exploration and development in the mine during that year in accordance with sound mining and mine-accounting practice.

(2) Subject to subsections three and four there may be included in the cost of production of gold from a mine during a designated year

(a) in respect of the amortization of capital expenditures on exploration and development in the mine after it commenced production and on and after January 1, 1948, an amount equal to fifteen per cent thereof, except where in the opinion of the Minister any part of such capital expenditures were made on works that are of such limited continuing use that amortization thereof at a rate of fifteen per cent is unreasonable, in which case the amount that may be included is an amount equal to such percentage of such part of the expenditures as is deemed by the Minister to be fair and reasonable, and

(b) in respect of expenditures, other than capital expenditures, made on exploration and development in the mine during the designated year, the amount actually expended thereon in accordance with sound mining and mine-accounting practice.

(3) Where at the beginning of a designated year a mine had proven ore reserves less than three times the amount of ore milled or shipped from the mine during the year immediately preceding the designated year, if the proven ore reserves at the end of the designated year exceed that amount or an amount equal to three times the amount of the ore milled or shipped during the designated year, whichever is greater, only an amount that bears the same ratio to the total of the amounts mentioned in subsection two that

(a) the sum of the ore milled or shipped during the year and the said greater amount minus the proven ore reserves at the beginning of the year

bears to

(b) the ore developed during the year,  
may be included in the cost of production of gold from the mine during that designated year in respect of the expenditures mentioned in subsection two.

(4) Where at the beginning of a designated year a mine had proven ore reserves equal to or greater than three times the amount of the ore milled or shipped from the mine during the year immediately preceding the designated year, if the proven ore reserves at the end of the year exceed an amount that bears the same ratio to the amount of ore milled



**Emergency Gold Mining Assistance Act—continued**

or shipped during the designated year as the proven ore reserves at the beginning of the year bore to the amount of the ore milled or shipped during the immediately preceding year, only an amount that bears the same ratio to the total of the amounts mentioned in subsection two that the amount of ore reserves required to be developed during the year to maintain the same ratio of ore reserves to ore milled or shipped aforesaid bears to the ore developed during the year, may be included in the cost of production of gold from the mine during the designated year in respect of expenditures mentioned in subsection two.

(5) Where the normal operation of a mine was suspended for at least thirty consecutive days in any of the years mentioned in subsections three or four the amount of ore milled or shipped during that year shall be deemed for the purposes of those subsections to be the amount computed by dividing the number of tons of ore milled or shipped during the part of the year that the mine was in operation by the number of days during that part of the year and multiplying by the number of days during which the mine would normally be in operation in the year.

(6) Notwithstanding subsections two, three or four, if the Minister is satisfied that an amount that may be included thereunder as a cost of production of gold from a mine in respect of expenditures made upon exploration and development in a designated year is excessive having regard to sound mining and mine-accounting practice or is substantially higher, in comparison with the other costs of production of the mine, than the corresponding costs under normal conditions of the operation of the mine before January 1, 1948, he shall determine the amount which in his opinion may fairly and reasonably be so included.

SUSPENSION OF OPERATION

*During base year*

14. (1) Where the normal operation of a mine was suspended for a period of at least thirty consecutive days in the base year, the number of ounces of gold produced during the base year shall be deemed to be the number of ounces obtained by dividing the number of ounces of gold produced in the part of the base year during which the mine was in operation by the number of days in that part of the base year and multiplying the quotient by the number of days during which the mine would normally be in operation during the year.

(2) If the production from a mine was reduced to the extent of at least fifty per cent of its general level of production for a period of at least thirty consecutive days in the base year, operation will be deemed to have been suspended for that period.

(3) If, on resumption of normal operations after a period of suspension in the base year, the general level of production is substantially lower or higher than before the suspension, the production of gold during the period shall be deemed to have been that which would have been produced if the general level of production prior to the suspension had continued during the period of suspension.

*During Designated Year*

15. (1) Where the normal operation of a mine was suspended during a period of at least thirty consecutive days in a designated year by reason of fire, explosion, flooding or cave-in of the mine or fire or a major breakdown in the processing plant or equipment or of a strike, assistance

**Emergency Gold Mining Assistance Act—continued**

payments may be made for the gold actually produced during the year in such amount as would have been payable in respect of that gold if the operation of the mine had not been suspended and the amounts so payable shall be computed in accordance with section sixteen or seventeen, as the case may be.

(2) For the purposes of computing the rate of assistance payable in respect of gold produced from a mine the operation of which was suspended during a designated year in accordance with subsection one, the average cost of production per ounce of gold shall be computed by dividing the number of ounces of gold produced during the part of the designated year when operation of the mine was not suspended into the total of

- (a) the operating costs of the mine for that part of the designated year, and
- (b) that portion of the other costs of production of gold from the mine during the year obtained by dividing the amount of such other costs of production by the number of days in the designated year during which the mine would normally be in operation and multiplying the quotient by the number of days during which operation of the mine was not suspended.

**16.** (1) This section applies in respect of assistance payments for a mine the operation of which was suspended in accordance with section fifteen during a designated year that does not include any part of the first year of production.

(2) The amount of assistance payments payable under this section for gold produced and sold during the designated year shall be an amount equal to the product of

- (a) the amount that might have been paid in respect of each ounce of gold that would have been produced if there had been no suspension of operation of the mine computed as provided in subsection three,

multiplied by

- (b) the total number of ounces actually produced during that designated year.

(3) For the purpose of computing the amount that might have been paid by way of assistance payments in respect of each ounce of gold that would have been produced and sold if there had been no suspension of the operation of the mine

- (a) the rate of assistance shall be computed as provided in subsection two of section fifteen;
- (b) the number of ounces that would have been produced and sold if there had been no suspension shall be computed by dividing the number of ounces actually produced and sold by the number of days in the part of the designated year during which the mine was in operation and multiplying the quotient by the number of days in the designated year during which the mine would normally be in operation; and
- (c) the total amount of assistance payments that might have been paid, computed having regard to the rate of assistance mentioned in paragraph (a) and the number of ounces mentioned in paragraph (b), shall be divided by the number of ounces mentioned in paragraph (b).

**Emergency Gold Mining Assistance Act—continued**

17. (1) This section applies in respect of assistance payments for a mine the operation of which was suspended in accordance with section fifteen during a designated year that includes part or all of the first year of production.

(2) If the period of suspension occurred wholly within the part of the designated year that is also part of the first year of production, the amount of assistance payments payable under this section shall be computed as provided in subsection three of section three of the Act and for that purpose the rate of assistance shall be computed as provided in subsection two of section fifteen.

(3) If the period of suspension occurred wholly or partly within the part of the designated year that is not part of the first year of production, the amount of assistance payments payable under this section shall be the total of the following amounts:

(a) an amount equal to the product of

(i) the rate of assistance computed as provided in subsection two of section fifteen

multiplied by

(ii) the number of ounces of gold produced during the part of the designated year that is part of the first year of production, and

(b) an amount equal to the product of

(i) the amount that might have been paid in respect of each ounce of gold produced during the remaining part of the year if there had been no suspension of operation of the mine, computed as provided in subsection four,

multiplied by

(ii) the number of ounces of gold actually produced during that part of the year.

(4) For the purpose of computing the amount that might have been paid in respect of each ounce of gold produced in the part of the designated year that is not part of the first year of production if there had been no suspension of operation of the mine.

(a) the rate of assistance shall be computed as provided in subsection two of section fifteen.

(b) the number of ounces of gold that would have been produced during that part of the year if there had been no suspension shall be computed by dividing the number of ounces actually produced in that part of the year by the number of days in that part of the year during which the mine was in operation and multiplying the quotient by the total number of days in that part of the year during which the mine would normally be in operation, and

(c) the total amount of assistance payments that might have been paid in respect of the gold produced during that part of the year computed having regard to the rate of assistance mentioned in paragraph (a) and the number of ounces mentioned in paragraph (b), shall be divided by the number of ounces mentioned in paragraph (b).



Emergency Gold Mining Assistance Act—continued

Department of  
Mines and Resources

SCHEDULE I—Form MREA 1

Designated Year.....  
No.....

APPLICATION FOR ASSISTANCE PAYMENT

under the  
Provision of The Emergency Gold Mining  
Assistance Act

To be forwarded in 4 copies

To The Director,  
Mines, Forests and Scientific Services Branch,  
Department of Mines and Resources,  
OTTAWA, ONT.

Name of Mine Operator.....  
Name of Mine.....  
Location of Mine.....  
Head Office at.....

Period for which this  
application is made

January to March inclusive  
January to June inclusive  
January to September inclusive  
January to December inclusive

1. Summarized Statement of Costs of Production of Gold, etc.

A. Costs	Period of this application		Same period preceded- ing year	
	Total \$	Per ton ore shipped or milled	Total \$	Per ton ore shipped or milled
Exploration and development				
MREA 2. Sheet 1.....	\$.....			
Mining				
MREA 2. Sheet 2.....	\$.....			
Milling				
MREA 2. Sheet 3.....	\$.....			
General expense				
MREA 2. Sheet 4.....	\$.....			
Total Mine Costs.....	\$.....			
Head office expenses				
MREA 2. Sheet 4.....	\$.....			
Total Operating Costs.....	\$.....			
Depreciation				
MREA 2. Sheet 5.....	\$.....			
Pre-production Cost				
MREA 2. Sheet 5.....	\$.....			
Deferred development				
MREA 2. Sheet 6.....	\$.....			
Total Costs.....	\$.....			
Less value by-products produced.....	\$.....			
Net costs of gold production.....	\$.....			
B. QUANTITIES				
Tons ore milled or shipped.....				
Total troy ozs. fine gold produced.....	ozs.	Cost per oz.	ozs.	Cost per oz.

**Emergency Gold Mining Assistance Act—continued**

**2. Calculation of Assistance Payment**

	\$	Departmental use only
Cost of production per ounce of gold.....		
Less base cost per ounce of gold.....	18 00	18 00
Rate of Assistance—50% of.....		
*Calculation A. (In case of mine in continuous normal operation during base year and the designated year).		
<i>Ounces of gold produced:</i>		
(a) which has been sold in period of this application (See Item 5).....		
(b) in corresponding period of "base year".....oz.		
2/3 of production in "base year" period.....		
Ounces to which rate of assistance applies.....		
Amount of assistance payable.....\$		
Less 20% holdback.....\$		
Less advances made in previous applications of this designated year.....		
AMOUNT OF ADVANCE DUE.....\$		

**Calculation B.**

\*If the operation of a mine was suspended during the base year or the designated year, or, in case of a new mine, the designated year was part of the first year of production, etc., the amount of assistance should be calculated in the space provided for "Calculation "B" on page 2 as prescribed in the Regulations and the amount entered as provided above for "Amount of Assistance Payable".

**Emergency Gold Mining Assistance Act—continued**

**3. Proven Ore Reserves**

- The proven ore reserves of the above mine amounted
- (a) at the beginning of the designated year 19....., to.....tons  
averaging.....ozs. of contained gold per ton, and
  - (b) at the end of the period for which this application is made, to.....tons  
averaging.....ozs. of contained gold per ton.

**4. Suspension of Operation**

If during the period to which this application for Assistance Payment relates, the operation of the above-named mine was suspended, or was partly suspended to the extent of at least 50% of its general level of production for a period of at least 30 consecutive days for a reason specified in section 15(1) of the Regulations under the Act, such period of suspension or partial suspension, amounted to.....days from the.....day of.....to the.....day of....., inclusive, and reason for such suspension or partial suspension, was.....

**5. Sale, or Other Disposal, of Gold**

- The gold produced from the above-named mine in the period to which this application for Assistance Payment relates, amounting to.....troy ozs. of fine gold contained in the bullion produced from the mine in such period has been sold, or exported, as follows:
- (a) Sold to Royal Canadian Mint or one of its agents.....ozs.
  - (b) Sold in ore shipped to: operator of treatment plant located in.....ozs.  
Name of operator.....ozs.
  - (c) Exported in ore shipped to.....ozs.
  - (d) Date of payment.....

**6. Certificate of Mine Operator**

We, the undersigned, do hereby certify that the statements contained in this application for Assistance Payment are true and accurate, are in accordance with the accounts and records of the above-named mine operator, and to the best of our knowledge comply with the requirements of The Emergency Gold Mining Assistance Act and regulations thereunder, at.....this.....day of....., 19.....

.....  
*President or General Manager*

.....  
*Treasurer or Secretary*

**7. Certificate of Treasury Official**

Certified that in my opinion this application is in accordance with The Emergency Gold Mining Assistance Act and regulations issued thereunder, but is subject to verification and any necessary adjustments prior to final settlement being made.

Date.....  
*Cost Inspection and Audit Division  
Office of the Comptroller of the Treasury*

**8. Approval for Payment**

This application is approved for payment in the amount of \$.....  
Date.....  
*For Deputy Minister*







## Emergency Gold Mining Assistance Act—*continued*

Tons ore milled:.....		Mine Operator.....		MILLING COSTS		Application No.		SCHEDULE II Form MREA 2 Sheet No. 3	
Labour	Supplies	Maintenance	Power	Assay	Total	Cost per ton milled	Last year total	Cost per ton milled	
<p>A—Ore treated in the operator's mill:</p> <p>Crushing and conveying.....</p> <p>Grinding and classification.....</p> <p>Amalgamation.....</p> <p>Agitation and thickening.....</p> <p>Clarify and precipitation.....</p> <p>Filtering.....</p> <p>Flotation.....</p> <p>Refining.....</p> <p>Sample and assaying.....</p> <p>Supervision.....</p> <p>Tailings disposal.....</p> <p>Mill—general.....</p> <p>Customs smelter charges for treating residues, etc....</p> <p>Totals.....</p>									
<p>B—If ore is shipped to a customs mill or treatment plant:</p> <p>Smelter and treatment charges.....</p> <p>Transportation.....</p> <p>Totals.....</p>									





Emergency Gold Mining Assistance Act—continued

SCHEDULE II

Form MREA 2

Sheet No. 5

Mine Operator.....

DEPRECIATION AND PRE-PRODUCTION EXPENSE WRITE-OFF

DEPRECIATION

Application No.

DESCRIPTION	Total cost to 31st Dec. 1947	Additions 1948	Total to date	Reserve at 31st Dec. 1947	Reserve at	Total included in application
Buildings.....						
Machinery and equipment.....						
Office furniture and equipment.....						
Totals.....	\$	\$	\$	\$	\$	\$

PRE-PRODUCTION EXPENSE

	Write off to 31st Dec. 1947	Write off to	Total included in application
Total cost at commencement of milling	\$.....		\$
	\$	\$	\$

NOTE.—Where this expense has been fully written off, this statement may be ignored.

Emergency Gold Mining Assistance Act—continued

SCHEDULE I  
Form MREA 2  
Sheet No. 6

Mine Operator.....

DEFERRED DEVELOPMENT

Application No.

Nature of work	Total cost to 31st Dec. 1947	Additions 1948	Total to date	Reserve at 31st Dec. 1947	Reserve at	Total included in application
Shafts and winzes.....						
Stations.....						
Underground crusher stations.....						
Underground pumping stations and sumps.....						
Main haulage ways.....						
Ore passes.....						
Waste passes.....						
Loading pockets.....						
Totals.....						



**Emergency Gold Mining Assistance Act—continued**

Form MREA 2

Sheet No. 7

**Manner of Determining Costs for Completing Form MREA 2**

**GENERAL ELEMENTS OF COST**

“Cost of Production” is defined in the Act. No definitions of the elements and classification of costs may be stated which are of invariable application to all mines, but in general they may be defined as:

- (1) *Exploration and Current Development*—Wages, salaries, materials and supplies, services, supervision and other expenses directly incurred in the exploration for and development of gold ore reserves and classified by the operations involved such as diamond drilling, crosscuts, drifts, etc.  
Exploration and current development costs in excess of the maximum amount permitted by regulations will not be allowed.
- (2) *Mining*—Wages, salaries, materials, supplies, services, supervision and other expenses directly incurred in the production and delivery of ore to the mill or smelter, and classified by operations involved such as drilling and blasting, mucking, timbering, hoisting, etc.
- (3) *Milling*—Wages, salaries, materials, supplies, services, supervision and other expenses directly incurred in the milling and refining of ore to produce gold bullion, and classified in the operations such as crushing, conveying, agitating, precipitating, filtering, etc. In cases where a mine does not process its own ore, processing and transportation charges should be included under this heading.
- (4) *General Expenses*—Wages, salaries, materials, supplies, services, supervision and other expenses incurred at the mine, but not properly chargeable to the specific headings of mining, milling, or exploration and current development. These expenses will consist of office and administrative, mint processing charges, yard and roads, boarding house, warehouse, medical, group and other insurance, fire protection, etc.
- (5) *Head Office Expenses*—Wages, salaries, materials, supplies, services, and other expenses incurred at the Head Office or Executive Office not properly chargeable to the specific headings of mining, milling, or exploration and current development. These expenses will consist of salaries of officers and H.O. staff, office rent, directors’ fees, trust company fees, etc.

*Allocation of Indirect Expense*—While no fixed method is prescribed for allocating services and other distributable expense as between departments of the mine, or between two or more mines, these must be distributed on a sound accounting basis.

- (6) *Depreciation*—Increase in reserves for depreciation will be admitted as cost for assistance purposes only to the extent permitted by regulations.
- (7) *Deferred Development, Pre-production and other Expenses*—Amortization will be admitted as cost for assistance purposes only to the extent permissible by regulations.

BUT there shall not be included as cost, any of the following:

- (1) Entertainment expenses, when abnormal or unreasonable.
- (2) Dues and memberships other than for regular trade and mining associations.
- (3) Donations in excess of 5% of profit of company before taxes.
- (4) Losses from sale or exchange of Capital Assets.
- (5) Losses on operations not related to the production of gold.
- (6) Depreciation on buildings and machinery and amortization of pre-production or other expenses in excess of that allowed by regulations.
- (7) Fines and penalties.
- (8) Amortization of unrealized appreciation of values of assets.
- (9) Expenses, maintenance and/or depreciation of excess facilities.

**Emergency Gold Mining Assistance Act—continued**

- (10) Amounts transferred or credited to a reserve or contingent account or sinking fund, except as expressly permitted under the Income Tax Act or the Income War Tax Act.
- (11) Unreasonable compensation for officers and employees.
- (12) Federal and Provincial income and surtax.
- (13) Bond discount or discounts on shares sold or issued.
- (14) Legal, accounting and other expenses in connection with incorporations, reorganizations, security issues, or stock issues.
- (15) Losses on investments.
- (16) Capital outlays.
- (17) Annual rental of property, real or personal, except rent actually paid for use of property used in connection with the production of gold for which assistance is claimed.
- (18) Carrying charges or expenses of unproductive property or assets not acquired for production of gold for which assistance is claimed.
- (19) Off-property exploration.
- (20) Expenses not properly vouchered.

Items of such nature as should be capitalized or deferred will not be allowed as an element of cost except by way of depreciation or amortization.

The following are examples of items which should be capitalized or deferred, as the case may be:

Hoists, mine cars and locomotives, or bins, pumps, drilling machines, cage, skips, buckets, mucking machines, permanent air, water and electric lines, diamond drills, backfill equipment.

All buildings, machine shop equipment, mill equipment, crushing and conveying equipment, headframe equipment, power, boiler, assay office and steel sharpening equipment, dry house equipment, surface power lines and equipment, pumping equipment, tractors, bulldozers, cars and trucks, hospital and medical equipment, main air, water and steam lines.

SCHEDULE III  
Form MREA 3

DECLARATION OF OWNERSHIP AND OPERATION OF A GOLD MINE

IN THE MATTER OF

APPLICATIONS FOR ASSISTANCE PAYMENTS

UNDER THE PROVISIONS OF

THE EMERGENCY GOLD MINING ASSISTANCE ACT

NOTE.—Four copies of this Declaration are to be submitted with the first application for assistance payments.

To: The Director,  
Mines, Forests and Scientific Services Branch, } For the Minister of Mines and  
OTTAWA, CANADA } Resources

By: Name of mine operator.....  
(Name of individual, syndicate or company operating the mine)  
Post office address (Head Office in Canada).....

I

We The undersigned, having full knowledge of the provisions of the Emergency Gold Mining Assistance Act and of the regulations issued thereunder, and of the intent and purposes of this declaration in connection therewith, and realizing that the information connected in this declaration is basic to the submission of applications for Assistance Payments in respect of gold produced and sold in the designated years referred to in the Act from the mine hereinafter referred to, and having been authorized to make this declaration by competent authority emanating from the owner or operator of such gold mine, do hereby certify:—

**Emergency Gold Mining Assistance Act—concluded**

1. That the above named mine operator operates a gold mine known as the.....  
.....mine, situated in.....  
.....
2. That the said gold mine comprises mining claims as follows:—  
.....  
.....  
.....
3. That the said mine operator <sup>owns</sup> <sub>leases</sub> the said mining claims.  
If the claims are held under lease the name of the owner thereof is.....  
Address.....  
.....
4. That production of gold from the said mine was commenced on the.....  
day of.....19..... (The date of commencement of  
production is deemed to be that defined in the regulations issued under Section  
4 (x) of the Income War Tax Act).
5. That the “base year” of the said mine, as defined in Section 2(1) (b) of the  
Act, is the year ending on the.....day  
of.....19.....
6. That the production of gold from the said mine during its said “base year”  
amounted to.....troy ounces of fine gold contained in the  
bullion obtained therefrom.
7. That the operation of the said mine <sup>was not</sup> <sub>was</sub> suspended for one or more periods,  
each of at least thirty consecutive days; and, if so suspended, that such period  
or periods of suspended operation were as follows:—  
From the.....day of.....194 , to the.....day  
of.....194 , inclusive  
From the.....day of.....194 , to the.....day  
of.....194 , inclusive
8. That the said operator <sup>does</sup> <sub>does not</sub> treat at the said mine the ore produced  
therefrom for the separation of its contained gold.
9. That the ore produced from the said mine during the calendar year 1947  
amounted to.....tons, averaging.....troy ounces of con-  
tained gold per ton, and that such ore was produced in.....days of  
mining operation during that year.
10. That the proven ore reserves of the said mine amounted,  
    (a) in the case of a mine which was in production during the calendar  
        year 1947, at the end of that year to.....  
        tons averaging.....troy ounces of gold per ton, or,  
    (b) in the case of a mine which commenced production on or after  
        January 1, 1948, at such commencement of production to.....  
        tons averaging.....fine ounces of contained gold per ton.

The foregoing is accordingly certified as true and correct.

Place.....  
Date.....  
.....

NOTE.—In the case of a corporation this declaration must be signed by the President or  
General Manager, and by the Secretary or the Treasurer or the Secretary-Treasurer.



## ENEMY ALIENS

See IMMIGRATION ACT.

**EXCESS PROFITS TAX ACT, 1940. (1940, c. 32)**

By section four of chapter 32 of the Statutes of Canada, 1947, (an Act to amend *The Excess Profits Tax Act, 1940*), it is provided that no tax shall be assessed, levied or collected on profits earned on and after January 1, 1948. In these circumstances, all statutory orders made under *The Excess Profits Tax Act, 1940*, have now become obsolete and, for this reason, have not been included in this Consolidation.

**EXCHEQUER COURT ACT. (R.S.C., 1927, c. 34)**

Section 87 of the Exchequer Court Act (as amended by 1928, c. 23) authorizes the Judges of the Court from time to time to make general rules and orders for regulating the practice and procedure of and in the Exchequer Court; for the effectual execution and working of the Act, etc. Under this authority General Rules and Orders were made on 21st April, 1931, which have subsequently been amended from time to time. A consolidation of the General Rules and Orders of the Exchequer Court may be obtained from the King's Printer, Ottawa. Price, 50 cents.

**EXCISE ACT. (R.S.C., 1927, c. 60)**

- |  |   |
|--|---|
| 1. <i>Preventive Service transferred to R.C.M.P.</i>             | 2. <i>Tobacco and cigars and manufactories.</i>               |
| 3. <i>Distribution of proceeds of penalties and forfeitures.</i> | 4. <i>Labelling and sale of methyl alcohol.</i>               |
| 5. <i>Registration and licensing of chemical stills.</i>         | 6. <i>Manufacturers in bond.</i>                              |
| 7. <i>Distilleries and their products.</i>                       | 8. <i>Breweries.</i>  |
| 9. <i>Warehousing.</i>   | 10. <i>Tobacco packers and Canadian raw leaf tobacco.</i>     |
| 11. <i>Supply of alcohol to druggists.</i>                       | 12. <i>Denatured alcohol and specially denatured alcohol.</i> |

**1. Preventive Service of Department of National Revenue transferred to R.C.M.P.**

P.C. 857

**AT THE GOVERNMENT HOUSE AT OTTAWA**

SATURDAY, the 16th day of April, 1932.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the joint recommendation of the Minister of National Revenue and the Minister of Justice, and under the authority of chapter 165 of the Revised Statutes of Canada, 1927, is pleased to order that the Preventive Service of the Department of National Revenue be and it is hereby transferred to the Royal Canadian Mounted Police from the 1st of April, 1932, with the exception of the Special Investigation Branch of that Service, which is to remain with the Department of National Revenue;

**Excise Act—continued**

His Excellency in Council is further pleased to order that the following principles and orders be and they are hereby laid down for the information and guidance of the Departments affected:—

1. The Minister of National Revenue will be responsible for the policy to be adopted by the Preventive Service.

2. The Minister in control of the Royal Canadian Mounted Police will be responsible for the administration of the personnel of the Preventive Service, and of the duties and interior economy of that Service.

3. As from the 1st of April, 1932, the amounts appropriated by Parliament for the Preventive Service of the Department of National Revenue for the Fiscal Year 1932-33, under Vote No. 277, will be transferred to the appropriation of the Royal Canadian Mounted Police, upon the understanding that such amounts as may be required for the Special Investigation Branch of that Service, which is to remain with the Department of National Revenue, and those members of the Preventive Service who are entitled to and are to be granted leave of absence, with pay, and who were not taken over by the R.C.M. Police on the 1st of April, 1932, be the subject of arrangement between the two Departments concerned, namely, the Department of National Revenue and the Department of R.C.M. Police, it being further understood that a Supplementary Estimate will be submitted at the first opportunity for any further amount which may be required by the R.C.M. Police. Appropriate action to be taken in the Supplementary Estimates.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**2. Consolidated Regulations in Respect of Tobacco and Cigars and Tobacco and Cigar Manufactories.**

P.C. 1087

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 25th day of March, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the provisions of section 262 of The Excise Act, chapter 52 of the Statutes of Canada, 1934, is pleased to order as follows:

1. The "Consolidated Regulations in respect of tobacco and cigars and tobacco and cigar manufactories", established by Order in Council P.C. 27/307 of February 9, 1939, as amended, are hereby revoked, effective April 1, 1947; and

2. The annexed "Consolidated Regulations in respect of tobacco and cigars and tobacco and cigar manufactories" are hereby made and established, effective April 1, 1947, in the place and stead of the regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**Excise Act—continued***Consolidated Regulations in Respect of Tobacco and Cigars and Tobacco and Cigar Manufactories*

## APPLICATIONS FOR LICENCE

1. All original applications for licence to operate a tobacco manufactory or a cigar manufactory are to be made to the Collector of Customs and Excise on Form L. 1, *in triplicate*, and are to be accompanied by the following documents:—

- (a) Complete plans and specifications *in triplicate*;
- (b) Form E. 110 in triplicate;
- (c) Form E. 114 in duplicate.

Form L. 1 shall also indicate the estimated monthly production of the survey.

2. Applications for transfer of licence from one premises to another, within the same port, are to be similarly dealt with except that application Form L. 10, *in triplicate*, is to be used.

3. In making application for renewal of licence, where no changes have been made in the licensed premises, only Form L. 16, in triplicate, will be required.

4. When any material changes have been made in the licensed premises, supplementary plans and descriptions, *in triplicate*, accompanied by Forms E. 146, also *in triplicate*, will be submitted at the time these changes have been completed.

5. Plans and specifications shall bear the same date as all the accompanying forms and shall be signed by the applicant or his duly authorized agent.

6. Plans submitted are to be drawn to scale, in ink, on tracing cloth, or may be printed.

7. Applications for new licences are not to be accepted by Collectors unless the premises to be licensed are entirely separate and distinct from any place of residence and from any place where tobacco and/or cigars are sold by retail.

8. The Collector shall forward all applications to the District Inspector of Excise for examination and approval, who shall upon approval, submit same to the department for authorization.

9. The Collector will not issue a licence until authorization has been received from the Deputy Minister; the requisite bond, in the form prescribed by the department, deposited with him and the licence fee paid.

10. Buildings or warehouses for the storage or processing of tobacco either contiguous to or separated from a tobacco or cigar manufactory may, at the discretion of the Deputy Minister, be included in one licence.

11. The Deputy Minister, upon authorizing issue of a new licence will allot each tobacco and cigar manufactory a designating number which shall be assigned by the Collector and which shall not thereafter be changed.



**Excise Act—continued**

**12.** If a licence be granted to any person or firm not located in a municipality which has a resident Customs-Excise officer, any necessary traveling and other expenses incurred in the supervision thereof shall be borne by the licensee.

STANDARD WEIGHT OF TOBACCO

**13.** Standard tobacco as defined by the Excise Act means tobacco which contains ten per cent of water and ninety per cent of solid matter. When therefore it has been ascertained by the scale approved of or supplied by the department that a sample of tobacco contains moisture in excess of this proportion, such excess is to be deducted from the actual weight represented by the sample and the balance is to be charged up in the books of the manufacturer as the standard weight of the tobacco.

**14.** When it is found, however, that the percentage of moisture is less than 10 per cent, an amount which will be sufficient to bring the actual weight up to the standard shall be added thereto and the standard weight thus ascertained is to be charged up to and accounted for by the manufacturer.

**15.** Specially constructed scales, by means of which the percentage of moisture may be ascertained without resorting to mathematical computation, are supplied by the department.

**16.** The method of determining the percentage of moisture by use of the scale will be as follows: with the sliding-poise at extreme left of beam, sufficient counter weights are to be placed at the end of the beam of the scale to counter-balance the empty pan on the platform. The sliding-poise is then to be moved to the outer end of the beam and sufficient tobacco placed on the tray to balance. After drying, the pan and tobacco are to be again placed on the scale and the sliding-poise adjusted until the scale balances. By reading the lower figures on the beam, at left of zero, the exact percentage of moisture to be deducted will be found but if the scale balances with the poise at the right of zero, the indicated figures minus 100 will give the percentage of moisture to be added.

**17.** All samples taken for the purpose of ascertaining the percentage of moisture contained therein are to be furnished by the licensee free of cost. Two samples are to be taken from the first ten packages, and one sample from each ten packages in excess of the first ten.

**18.** Samples of one-quarter of one pound in weight are to be taken from the packages at the time of weighing and be immediately dried in the drying oven supplied by the department or by the manufacturer. The difference between the weight when put in and removed from the dryer will represent the moisture contained in the sample.

**19.** Officers in charge of tobacco and cigar manufactories shall exercise special care in the selection of representative samples for drying, as well as in the operation of drying itself, in order that the true percentage of moisture may be ascertained and the correct standard weight determined. They are also to ensure that the drying ovens, scales, and counter poises used are kept in proper order.

**Excise Act—continued**

**20.** Officers are instructed to see that the time occupied in drying each sample is adequate according to the moisture contained in the tobacco and that only sufficient heat to drive out the moisture is applied to the oven. When too great a heat is applied in drying, the tobacco leaves, particularly those nearest the bottom of the pan, become charred or burnt, thereby causing the sample to show a larger percentage of moisture than it actually contains.

**21.** The standard weight of all raw leaf tobacco, scraps, cuttings, stems and waste tobacco shall be determined by the officer when first received into the licensed premises. In case of difference between the officer and the manufacturer as to the percentage of moisture contained in tobacco, the facts shall be reported to the Inspector of Excise whose decision shall be final.

**22.** All raw leaf, stems, scraps, cuttings, waste or other refuse of tobacco, when brought in, taken for use, produced in, removed from, or destroyed at, any tobacco or cigar manufactory shall be entered *in standard pounds* and officers in charge of tobacco or cigar manufactories are requested to adhere strictly to the regulations in determining the standard weight of these articles.

**23.** The standard weight of all tobacco, cigarettes and cigars produced shall be determined by the officer, care being taken to ensure that the samples fairly represent the average moisture. The tests are to be taken at irregular intervals and not less frequently than once each month.

**24.** All raw leaf tobacco, stems, scraps, cuttings, waste and tobacco in process of manufacture at the time when stock is taken, shall be stated *in standard pounds*, and in all such cases care must be taken that samples for drying fairly represent the degree of moisture in each lot from which samples are taken.

MATERIALS BROUGHT INTO A TOBACCO OR CIGAR MANUFACTORY AND HOW  
DEALT WITH

**25.** Duty-paid foreign raw leaf tobacco may be delivered only to licensed tobacco or cigar manufacturers. Form E. 131 is to be prepared and submitted as required.

**26.** So soon as any raw leaf tobacco, other raw materials, or flavouring is received at the manufactory and before any portion thereof is taken for use the quantity shall be ascertained by the manufacturer and be immediately debited to the nearest pound in "Manufacturer's Daily Record" under the supervision of the Officer in Charge, whose duty it shall be to test the accuracy of all weights.

**27.** The "flavouring" referred to in section 26 shall not include "Specially Denatured Alcohol, Grade No. 1-C", rum, wine or any other liquid flavouring authorized by the department. These materials are not to be debited in the "Manufacturer's Daily Record".

**28.** If there is any doubt as to whether any flavouring material should be debited, the Officer in Charge shall forward a sample to the department for analysis and instructions. Materials found by analysis to contain less than twenty-five per cent of solid matter will not be debited in the "Manufacturer's Daily Record".

**Excise Act—continued**

**29.** Due to the moisture content of flavourings, the net weight of all other flavouring material will be ninety per cent of the actual weight of materials as determined under supervision of the Officer in Charge, and this net weight will be recorded in the "Manufacturer's Daily Record" when received at or removed from any tobacco or cigar manufactory.

**30.** The Officer in Charge of each tobacco or cigar manufactory shall keep a record, in Book T. 253B, of the weight of all packages of leaf tobacco or other material received into the manufactory.

**31.** Flavourings received at or removed from a tobacco or cigar manufactory will not be required to be examined by the Officer in Charge but the net weights determined under supervision of the officer are to be recorded by the manufacturer as in the case of other raw material.

**32.** A ticket or tag, Form E. 120, shall be placed upon each package when brought into the manufactory for other than immediate use showing:—

- (a) manufacturer's name;
- (b) date;
- (c) nature of contents;
- (d) original and serial number; (serial number to commence with No. 1 at the beginning of each fiscal year);
- (e) gross weight;
- (f) tare;
- (g) net weight;
- (h) deduction for moisture;
- (i) standard weight;
- (j) signature of Officer in Charge.

The weights above referred to shall be the weights as determined by weighing and testing.

**33.** Raw leaf tobacco, after being charged in a tobacco or cigar manufacturer's Daily Record, shall not thereafter be removed from the manufactory to other than,—

- (a) a licensed tobacco manufactory;
  - (b) a licensed cigar manufactory;
  - (c) a licensed bonding warehouse;
  - (d) when in original packages, the licensed packer from whom the tobacco was originally purchased;
  - (e) for export, accompanied by bond on Form D. 57,
- unless by special permission obtained in each case from the Collector.

**34.** Any licensed manufacturer who wishes to dispose of raw leaf tobacco as provided for in Section 33 will be permitted to do so under the authority of a special permit, Form E. 132. A credit entry shall be made in the Daily Record.

**35.** This permit is to be made *in duplicate* for transfers between licensed manufacturers, packers or Excise bonding warehouses within the same port, and when the tobacco is intended for removal to such licensees in another port, the permit is to be made *in triplicate*.



**Excise Act—continued**

**36.** The Collector of the port from which the tobacco is shipped is to transmit to the Collector of the port to which the tobacco is consigned, *two copies* of the permit, Form E. 132. The Collector at the receiving port will, so soon as the tobacco has been received and entered to the debit of Manufacturer's Daily Record of the consignee, return to the Collector at the shipping port, one copy of the permit bearing the proper acknowledgment of receipt of the tobacco.

**37.** These permits shall be consecutively numbered beginning with No. 1 in each fiscal year. One copy of each permit issued will be placed, by the Collector, on a special file. The other copy, when returned by the Officer in Charge of the manufactory (if the transfer is within the port), or by the Collector of the port to which consigned (if the tobacco has been removed to a manufacturer in another port), shall, after it has been examined by the Collector in order to see that it bears the proper acknowledgment, be placed on a corresponding duplicate file.

**38.** A record of the permits issued for the removal or export of the tobacco referred to under this heading should be kept in Book T. 219.

METHOD OF DEALING WITH SCRAPS, CUTTINGS, STEMS, ETC., WHEN BROUGHT INTO, PRODUCED OR USED IN, OR REMOVED FROM, A TOBACCO OR CIGAR MANUFACTORY

**39.** All scraps, cuttings, waste, stems, snuff flour, cut tobacco in bulk, and fine cut shorts removed from one licensed premises to another shall be put up in packages and consecutively numbered and marked with the gross, tare and net weight; the registered number of the manufactory where put up or from which removed, and the number of the port.

**40.** The weight of all such tobacco, etc., shall be determined by the officer when first received into the manufactory as in the case of other raw leaf tobacco.

**41.** The weight of all such tobacco, etc., when produced in, removed from or destroyed at any tobacco or cigar manufactory shall be determined by the officer in charge.

**42.** Stems, waste and other refuse may be disposed of by the licensee without restriction, when credit shall be taken in the Daily Record for all such materials produced and disposed of.

**43.** Whenever any manufacturer of tobacco or cigars disposes of tobacco, as referred to in Section 39, to another manufacturer of tobacco or cigars, to be used as raw material, he will be permitted to do so under authority of permit, Form E. 132, in the same manner as provided for removal of raw leaf tobacco.

**44.** Cigar manufacturers will not be permitted to put up packages of cuttings for consumption.

**45.** Tobacco, other than stems, waste and other refuse, which has undergone any process of manufacture whatsoever may not be shipped in an unmanufactured state to other than a licensed manufacturer of tobacco or cigars, licensed bonding warehouse or for export unless upon special permission of the department.

**Excise Act—continued**

46. Upon abandonment or cancellation of licence, all cutting machines, raw leaf tobacco, tobacco in process and manufactured tobacco or cigars in warehouse which the licensee cannot dispose of within a reasonable time may, in the discretion of the department, be destroyed in the presence of two officers who shall give a certificate of destruction *in duplicate*.

47. Scraps, refuse, cuttings, stems or sweepings of tobacco may be exported in bond in the same manner and under the same regulations as govern the exportation in bond of other raw leaf tobacco.

48. All scraps, cuttings, stems, cut tobacco in bulk, fine cut shorts and all partially manufactured tobacco whatsoever when brought into licensed premises shall be entered to the debit of Manufacturer's Daily Record.

RE-PACKING OR RE-WORKING OF TOBACCO AND CIGARS

49. Before any tobacco, cigarettes or cigars may be re-packed or re-worked, due notice is to be given by the manufacturer and special permission obtained from the Collector of the port where the manufactory is situated.

50. The manufacturer, in making application, on Form N. 2, for permission to re-pack or re-work tobacco, cigarettes or cigars shall give full particulars as to the quantity and description of the tobacco, cigarettes or cigars to be re-packed or re-worked, stating whether the same are of his own manufacture or the product of another manufactory, and if the latter, the name of the manufacturer. He will also state the reason for desiring permission to re-pack or re-work the goods in question.

51. The quantity, *by standard weight*, of duty-paid or warehoused tobacco, cigarettes or cigars when taken for re-packing or re-working shall be debited in the Manufacturer's Daily Record and regarded as raw material, the product of which will be accounted for, stamped and treated as manufactured tobacco, cigarettes or cigars the original product of the leaf.

52. When cigarettes or cigars are entered for re-packing or re-working the weight to be so entered shall be the *standard weight*.

53. When tobacco, cigarettes or cigars to be re-packed or re-worked have paid duty, the stamps upon the packages shall be destroyed in the presence of two officers who shall keep a record of and furnish the Collector with a certificate showing:—

- (a) The registered number of the manufactory where the tobacco, cigarettes or cigars were manufactured;
- (b) The total number of stamps and their denominations;
- (c) If imported, the name of the importer and the port where the tobacco, cigarettes or cigars were entered for duty.

54. When the tobacco, cigarettes or cigars to be re-worked or re-packed are in bond in the warehouse at the manufactory, an entry ex-warehouse for re-work shall be made and warehouse account credited accordingly. The quantity, by weight, is to be treated as provided for in Section 51 herein.

55. No rebate will be allowed or paid when the stamps on the packages containing tobacco, cigarettes or cigars have not been taken account of, and the said stamps destroyed by burning in the presence of the officers as herein provided.

**Excise Act—continued**

**56.** No rebate will be allowed on tobacco, cigarettes or cigars which have been returned to the licensed manufactory and are unfit for re-packing or re-working.

**57.** No rebate will be allowed on manufactured tobacco or cigarettes re-worked unless the cigarettes have been broken up and the tobacco mixed with not less than twenty-five per cent of the weight of processed tobacco which does not contain any tobacco taken for re-work.

**58.** No rebate will be allowed on cigars re-worked unless same have been broken up and mixed with not less than ten per cent of their own weight of processed tobacco which does not contain any tobacco taken for re-work.

**59.** The re-working of tobacco, cigarettes or cigars, the product of another manufacturer, will be permitted, but no rebate will be allowed thereon, except by special permission of the department.

**60.** Imported tobacco may only be re-worked duty paid.

**61.** When duty-paid tobacco, cigarettes or cigars are re-packed only, a rebate may be allowed at the same rates and under the same conditions as if taken for re-work, except that these goods need not be actually re-worked but must be produced immediately.

**62.** When tobacco, cigarettes or cigars taken for re-packing or re-working have paid duty, a rebate on the quantity entered for remanufacture may be paid to the manufacturer upon receipt of an application on Form N. 4, accompanied by a sworn statement from him that the tobacco, cigarettes or cigars so taken have been re-packed or re-worked, together with a certificate of two officers of Excise to the effect that the stamps and, where necessary, the packages were destroyed in their presence. The certificate shall be countersigned by the Collector. The rebate above referred to shall be as follows:—

- (a) On tobacco,—the duty paid, less 3 cents per pound;
- (b) On cigarettes,—the duty paid, less 20 cents per M;
- (c) On cigars,—the duty paid, less 25 cents per M.

**MANUFACTURED TOBACCO AND CIGARS**

**63.** Where there is an uninterrupted operation of packing and stamping, tobacco and cigarettes shall be considered as produced when put up in packages and stamped, but where the stamping is a separate operation, tobacco and cigarettes shall be considered as manufactured or produced when put up in packages.

**64.** Cigars shall be considered as produced when put up in packages for stamping or warehousing.

**65.** The actual weight, to the nearest pound, and the total quantity of cigarettes and cigars manufactured is to be determined and recorded in the Daily Record. The computation to determine the actual weight is to be carried out to two decimal points and shall be checked by the Officer in Charge from test weights taken frequently during the month.



**Excise Act—continued**

**66.** To determine production, the moisture in excess of standard contained in tobacco, cigarettes and cigars produced is to be deducted, at the end of each month, from such total quantity.

**67.** When the moisture content in chewing tobacco is determined, the percentage of moisture for deduction will be five per cent less than that ascertained by the percentage scale.

**68.** In tobacco factories where cigarettes are made, the weight of cigarettes produced during any month shall include the weight of the cigarette paper enclosing the tobacco. At the close of the month's business the cigarette paper used, in the proportion of 1·5 ounces per 1,000 cigarettes, is to be deducted from the total produced weight in the "Manufacturer's Daily Record". This deduction is to be made before the adjustment is made for excess moisture in order that credit may not be given for moisture in the cigarette papers.

**69.** Except as provided in Section 81, on or before the last day of each month, all tobacco, cigarettes and cigars produced during that month shall either be placed in warehouse or duty paid and when warehoused carried to the debit of the "Warehouse" account.

**70.** Credit will be taken for cigars unfit for packing or used for moisture tests after same have been counted in the presence of the Officer in Charge. The credit entry will be made in column "Cigars Made" Daily Record,—the entries being totalled to date and the proper deduction made. Every such entry is to be initialled by the officer.

**71.** Every package containing tobacco, cigarettes or cigars on which duty has been paid shall have affixed thereto an Excise duty stamp in such manner as to effectively seal the package so that the contents cannot be removed without effectively breaking the stamp and the stamp shall be of such denomination as to correctly represent the contents of the package.

**72.** Every manufacturer of tobacco, cigarettes or cigars shall ensure that no greater quantity of tobacco or cigars is contained in the packages than the attached stamp is intended to cover, and the packages must in all cases be full. Should any package containing tobacco or cigars at any time be discovered with stamps thereon for a quantity less than the package contains, it is the duty of every officer to detain such packages, and report the circumstances through the Collector to the department.

**73.** Packages of domestic or imported tobacco, cigarettes or cigars shall have the stamp affixed to the actual package and not to an outer covering of paper or other material and the denomination and/or number of the stamp is not to be concealed in any manner. The stamp is to remain on the package as evidence that same is legally in possession of the holder.

**74.** Stamps on packages of tobacco, cigarettes and cigars are to be attached at the licensed manufactory, by the licensee; at the licensed bonding warehouse, by the licensee; and at the Customs bonding warehouse by the importer. If the importer is a licensed manufacturer, permission may be given by the Collector to affix and cancel the stamps at the licensed manufactory. Although the responsibility for the stamping of tobacco, cigarettes and cigars remains with the importer, owner of the warehouse, or licensed manufacturer, the officer delivering the imported or domestic goods is required to carefully supervise the attaching and cancelling of the stamps.

**Excise Act—continued**

**75.** The stamps are to be affixed to the packages by using an adhesive material that will cause them to stick to the wooden, metal, paper or other packages, securely and permanently.

**76.** The stamp on packages of "Canada Twist" shall be affixed in such manner as to prevent the package being opened or the contents removed without destroying the stamp.

**77.** When "Canada Twist" is manufactured but not packaged, the stamp will be attached to each roll or coil by interlacing it through the coil when made and bringing the two ends of the stamp once around the coil and fastening securely by gum or paste.

**78.** For the purpose of these regulations, a "package" containing tobacco, cigarettes or cigars shall be considered to be the container upon which the Excise duty stamp is to be affixed.

**79.** Every package of tobacco, cigarettes and cigars shall have shown thereon, in legible type the name of the manufacturer or the registered number of the manufactory and the number of the port in which the manufactory is situated.

**80.** Except as provided for in Section 121, manufacturers of tobacco, cigarettes or cigars shall only sell original completely filled and unbroken packages from their manufactory premises.

**81.** Except as otherwise provided for in Section 123, cigar manufacturers will be permitted to have in their manufactory at the end of any month a quantity of packed unstamped cigars not to exceed the quantity produced during the three previous days. This regulation does not apply to goods in warehouse.

**82.** Licensed tobacco and cigar manufacturers shall furnish daily to the Officer in Charge a detailed statement, on Form E. 147, setting forth the number and denomination of all packages of manufactured tobacco, cigarettes and cigars produced and the respective quantities duty paid "ex-factory" or "warehoused".

**83.** In a cigar manufactory or in a tobacco manufactory where cigarettes are made, the manufacturer shall, on the first day of each month, furnish, as respects each type of cigars or cigarettes manufactured by him during the preceding month, a statement, on Form E. 147, showing:—

- (a) The number of each type of cigars or cigarettes so manufactured;
- (b) The weight per M of each type of cigars or cigarettes so manufactured;
- (c) The total weight of each type of cigars or cigarettes so manufactured;
- (d) The total number and weight of all types of cigars or cigarettes produced and their average weight per M.

Scales for this purpose are to be provided by the licensee.

**IMPORTED STAMPED PACKAGES**

**84.** Under Customs Regulations, stamps for manufactured tobacco, cigarettes and cigars are available to foreign manufacturers, to be affixed to packages for shipment to Canada, and may be obtained on application to the Deputy Minister. Such imported goods shall comply in every respect with the regulations governing similar goods of domestic manufacture.

**Excise Act—continued**

**DESTRUCTION OF FORFEITED TOBACCO, CIGARETTES AND CIGARS**

**85.** Except as provided by Section 86, tobacco, cigarettes and cigars forfeited under provisions of the Excise Act are not to be offered for sale but destroyed when authority is received from the department in respect of each lot. Destruction is to be by burning by or in the presence of two Officers of Excise who shall furnish a certificate of destruction duly signed by both of them.

**86.** Tobacco and cigarettes constituting the stock or part of the stock of a licensed tobacco manufactory, or cigars constituting the stock or part of the stock of a licensed cigar manufactory, which stock has been forfeited to the Crown under provisions of the Excise Act, may either be offered for sale by written tender to other licensed tobacco or cigar manufacturers, respectively, or be destroyed in the manner set forth in the preceding section.

**87.** Where members of the Royal Canadian Mounted Police, acting as Officers of Excise, have seized or assisted in the seizure of tobacco, cigars or cigarettes subsequently ordered to be destroyed, one of the officers making the joint certificate of destruction shall be a member of the Royal Canadian Mounted Police and the other shall be an officer of the port to the care of the Collector of which the seized goods have been delivered.

**WAREHOUSING AND EX-WAREHOUSING OF MANUFACTURED TOBACCO, CIGARETTES AND CIGARS**

**88.** In addition to the General Warehousing Regulations, Circular 327-C as revised, the following applies specifically to tobacco, cigarettes and cigars.

**89.** Except as provided by Section 81, all tobacco, cigarettes or cigars produced and which at the end of each month have not been entered ex-factory and properly stamped shall be placed in warehouse and a "Warehouse" entry, Form B.51, passed therefor.

**90.** When tobacco, cigarettes and cigars are ex-warehoused, credit is to be taken in the Warehouse Account.

**91.** Cigars, cigarettes and tobacco shall be stowed in warehouse in lots according to the denomination of the packages.

**92.** When ex-warehousing for duty, the manufacturer may take the tobacco, cigarettes or cigars from any lot in warehouse, provided the number of packages and denominations are the same as those upon which he has paid duty, and it shall be the duty of the officer to ensure that all packages delivered are immediately stamped with the requisite stamps.

**93.** An entry "Ex-Warehouse for Consumption" on Form B.52, *in triplicate*, shall be passed for all goods ex-warehoused for duty and this entry shall have endorsed across the face thereof the following certificate, signed by the Officer in Charge:—

"I hereby certify that the goods represented by this entry have been delivered from warehouse, and that the stamps, duly affixed, represent the full duty payable on these goods.

.....  
Officer's Signature."



**Excise Act—continued**

**94.** All goods entered for exportation shall be examined by the Officer in Charge and a certificate, as required by Section 32 of Circular 327-C, Second Revision, shall appear upon the export entry, Form B.54.

**95.** When tobacco, cigarettes and cigars are ex-warehoused for shipment in bond, such removal shall be made in the usual manner as provided by Circular 327-C, Second Revision, and the shipment shall be accompanied by permit, Form E.117.

**96.** Tobacco, cigarettes and cigars may not be entered "for Warehouse" or "For Ex-Warehouse" in quantities less than:—

- (a) 100 pounds of tobacco;
- (b) 2,000 cigarettes;
- (c) 2,000 cigars;

except for shipment to persons referred to in Section 97, subsections (f) to (l); for export, or for ships' stores when shipped direct from the licensed premises to the vessel of lading.

**97.** Tobacco, cigarettes and cigars may be removed in bond, without payment of Excise duty, from any licensed tobacco or cigar manufactory or bonding warehouse to or for the following purposes, exclusively:—

- (a) another licensed tobacco manufacturer (tobacco only);
- (b) another licensed cigar manufacturer (cigars only);
- (c) another licensed bonding warehouse;
- (d) exportation;
- (e) ships' stores;
- (f) the Governor General of Canada and his staffs upon written application personally signed by the Comptroller of the Household and in his absence by either the Senior Aide-de-Camp, the Confidential Clerk or the Clerk Accountant;
- (g) Heads of Diplomatic Missions accredited to His Majesty in respect of Canada, upon written application personally signed by the Head of the Mission;
- (h) High Commissioners representing other of His Majesty's Governments in Canada, upon written application personally signed by the High Commissioner;
- (i) Trade Commissioners representing other of His Majesty's Governments in Canada, when the country they represent extends similar privileges to Canadian Trade Commissioners abroad and not otherwise, upon written application personally signed by the Trade Commissioner;
- (j) Counsellors, Secretaries and Attaches at Legations and offices of High Commissioners in Canada whose governments accord the same privilege to Canadian officials holding corresponding posts in the countries represented by such Legations and offices of the High Commissioners, upon written application personally signed by the Head of the Mission, or the High Commissioner;
- (k) Consuls General of foreign nations who are natives or citizens of the country they represent and who are not engaged in any other business or profession, upon written application personally signed by such Consuls General;

**Excise Act—continued**

(l) such other persons as the Minister may from time to time determine.

NOTE.—The designation “Consuls General” as mentioned in clause (k) does not include consuls or vice consuls.

Collectors should see that this is well understood by officers concerned.

SHIP'S STORES

**98.** Goods may be shipped from a licensed manufactory for ships' stores to a Customs or Excise bonding warehouse and may not be removed therefrom except for ships' stores; for export; or for removal to a licensed manufacturer.

**99.** The regulations as set forth in Circular 327-C, Second Revision, shall further govern the warehousing and ex-warehousing for Ships' Stores.

**100.** Tobacco, cigarettes or cigars may not be ex-warehoused for ships' stores to any vessel for use while in port in Canada nor to any fishing vessel whose probable duration of voyage will be less than fifteen days. This regulation shall not apply to war ships.

**101.** The quantity of manufactured tobacco, cigarettes or cigars so delivered at any one time shall be such reasonable quantity as may be required for a return voyage on the high seas exclusively, of which quantity the Collector shall be the judge, provided, however, that the monthly consumption of duty-free tobacco products shall not exceed 800 cigarettes or 2 pounds of tobacco per crew member.

DEFICIENCY OR SURPLUS ON REMOVAL, EXPORT, ETC.

**102.** If a discrepancy is found to exist, an entry “For Warehouse” is to be made for the quantity actually received at point of destination.

**103.** Whenever the quantity warehoused differs from the quantity stated in the removal entry, a detailed statement, on Form E. 112A, is to be made *in duplicate* showing the deficiency or the surplus, one copy of same to be transmitted to the department attached to the “Entry For Warehouse” and the other to the Collector of the port from which the goods were removed.

**104.** If the discrepancy represents a deficiency, the Collector of the port from which the goods were removed shall cause the consignor to pass an “Entry For Consumption” for the quantity so deficient and shall collect the duty thereon. The Collector shall also direct the department's attention to the special nature of such entry by writing across the face of same “To account for deficiency on Removal Entry No. . . . .” This entry shall bear the entry number of the port as an entirely separate transaction.

**105.** As the entry “Ex-Warehouse for Consumption” dealt with in the preceding sections will be a second credit, the account will be charged with the same amount on a “Warehouse Entry” having endorsed across the face thereof the words “To account for deficiency on Removal Entry No. . . . .” in order that the correct balance may be maintained.

**Excise Act—continued**

**106.** If the discrepancy represents a surplus, two entries shall be passed by the consignor, one, "For Warehouse" and the other "Ex-Warehouse for Removal." There shall be written across the face of each entry the words "Supplementary to Entry No. ...." These entries shall also receive the port entry numbers.

**107.** If a deficiency is found in partially manufactured tobacco removed or exported, the Collector shall cause the consignor to pass an entry for consumption, Form B. 52, for the quantity so deficient and shall collect duty at the prevailing rate applicable to manufactured tobacco.

**EXCISE DUTY STAMPS, SUPPLY OF, TO PORTS**

**108.** Excise duty stamps will be supplied by the department upon requisition being made on Form E. 104, in *triplicate*, sufficiently in advance to ensure having a supply always on hand equal to the probable demand for two months. On receipt of a parcel of stamps, the Collector or other officer receiving same is to verify them immediately.

**109.** The department will mail, under separate cover, duplicate and triplicate copies of Form E. 104, setting forth the stamps actually supplied. If the count of stamps agrees with the requisition, the duplicate copy shall be receipted by the officer and returned to the department. The triplicate copy of the requisition is to be filed.

**110.** If the number of stamps received does not agree with the requisition, the department shall be immediately notified.

**111.** A separate account is to be opened for each denomination of stamp, stating on the debit side the number received, and on the credit side the number issued. On opening the account the debit side is to commence with the number of stamps then on hand of the description to which it relates.

**112.** Detailed information respecting supply of Excise duty stamps will be found in Circular 807-C Revised.

**EXCISE DUTY STAMPS, SUPPLY OF, TO LICENSEES**

**113.** Licensees will, upon payment of duty, pass entries and make requisitions to the Collector, on Forms B. 56, B. 57 and B. 58, in *quadruplicate*, for stamps in any desired quantity in the denominations supplied by the department for tobacco, cigarettes or cigars, respectively.

**114.** A copy of the requisition entry, bearing the port stamp and entry number as evidence of purchase, shall be supplied to the Officer in Charge of the manufactory, which form shall bear a serial requisition number commencing, as respects each manufactory, with No. 1 at the beginning of the fiscal year.

**115.** A refund of the duty paid on stamps damaged through any operation at a licensed manufactory may be paid upon receipt of a certificate



**Excise Act—continued**

of destruction, signed by two officers of Excise, to the effect that the stamps have been destroyed by burning, upon application being made, on Form N. 4, accompanied by one copy of such certificate. The amount of refund shall be as follows:

- (a) On tobacco—the duty paid, less 3 cents per pound;
- (b) On cigarettes—the duty paid, less 20 cents per M;
- (c) On cigars—the duty paid, less 25 cents per M.

Such applications shall be made quarterly.

**116.** The damaged stamps may be returned to stamp stock at the manufactory and an equivalent number of the same denomination taken for replacement. As credit has already been taken in the Stamp Account, no further entries will be required.

**117.** A credit entry shall be made in the Stamp Account when the stamps have been disposed of by destruction in accordance with the certificate.

**118.** When stamps are received by a licensee, same are to be debited in Stamp Account, and credited when taken for use.

**119.** In cigar manufactories the balance of Stamp Account at the end of each month must equal or exceed the quantity of unstamped packed stock on hand except that in warehouse.

CIGAR SAMPLES

**120.** Duty-paid boxes of cigars may be permitted to remain open in any licensed cigar manufactory, upon the following conditions only:

- (a) That the number of boxes thus remaining open in any manufactory premises shall not at any one time exceed three;
- (b) That the stamps thereon shall be cut or broken in the presence of an Officer of Excise, unless the packages are taken from those which may have been brought in with cut stamps and placed in bonding warehouse or Crown locked compartment as hereinafter provided;
- (c) That the officer shall so mark the package by writing the date when opened and placing his signature thereon, so that it can be thereafter identified by him;
- (d) That immediately every such package is emptied the manufacturer shall inform the officer of the fact, when said empty package and the stamp thereon shall be completely destroyed in the presence of said officer.

PACKAGES RETURNED TO LICENSED PREMISES WITH CUT STAMPS

**121.** Completely filled packages of tobacco, cigarettes and cigars, the stamps on which may have been cut or broken after being removed from the manufactory, and which the manufacturer may desire to have returned thereto, may be brought into the manufactory under the following conditions:—

- (a) That the packages with cut stamps when received at the manufactory be at once placed in the bonding warehouse and kept

**Excise Act—continued**

- separate from all other goods therein or otherwise be placed in a Crown locked compartment and that they shall remain in said warehouse or compartment until such time as the manufacturer may desire them for immediate removal from the manufactory or for re-working, except that cigars may be taken for use by the manufacturer as provided by Section 120 of these regulations;
- (b) That memo entries be made in the warehouse account, when the packages are brought into or removed from the bonding warehouse.
  - (c) That any packages with cut stamps brought into manufactory without an account being taken of them by an officer of this department, and the packages and contents secured in bonding warehouse or Crown locked compartment, or which may be found in the licensed premises with stamps cut otherwise than as herein provided, shall render the manufacturer so offending liable to all penalties prescribed therefor under the Excise Act.

**STOCK-TAKING**

**122.** As of March 31 of each fiscal year, stock shall be taken in all tobacco and cigar manufactories by the licensee under supervision of the Excise Officer in Charge as follows:

- (a) The packages of all raw leaf tobacco, will be counted and a sufficient number weighed to satisfy the Officer in Charge that the weight represented on the tags is in accordance with the facts;
- (b) All broken or part packages of raw leaf tobacco, partially manufactured tobacco and other materials are to be weighed and tested;
- (c) All quantities of tobacco, loose cigarettes, stems, waste and other materials in process of manufacture are to be weighed and tested;
- (d) Unpacked cigars are to be counted and weighed and the quantity expressed in standard pounds;
- (e) All packages of manufactured tobacco, cigarettes and cigars in warehouse are to be counted.

**123.** No packed unstamped packages of tobacco, cigarettes or cigars are to be in the manufactory at the close of the fiscal year.

**124.** The result of stock-taking shall be included in the Annual Statement, Form G. 56 (for tobacco) and G. 66 (for cigars).

**125.** When a surplus is found at stock-taking it shall be charged at the beginning of the next fiscal year in the manufacturer's books in the respective accounts.

**126.** Tobacco and cigar manufacturers shall produce one pound (*standard weight*) of manufactured tobacco or cigars from each pound of standard raw leaf tobacco, scraps, cuttings and other materials used during the period between any two stock-takings.

**127.** The discrepancy between the raw leaf tobacco and other materials taken for use and the manufactured tobacco, cigars and other products resulting therefrom, during the period between any two stock-takings, shall not exceed six per cent.

**128.** Collectors, unless otherwise instructed, will collect from tobacco manufacturers duty at the current rate upon the quantity of tobacco deficient of the standard established.

**Excise Act—continued**

**129.** If a deficiency is found to have arisen between the quantity of raw leaf tobacco, scraps, cuttings and other materials used in a cigar manufactory and the weight of the cigars produced, Excise duty at the current rate will be collected upon the cigars equivalent to the quantity in pounds of tobacco found deficient of the standard established:—

*Example*

Tobacco, etc., used .....	2,000 lbs.
Standard production 94 per cent .....	1,880 "
Cigars produced 90,000 weighing .....	1,800 "
Deficiency in production .....	80 "
As 1,800 pounds of tobacco were used to produce 90,000 cigars thus 1 pound of tobacco was used to produce ....	50 "
Therefore assessable deficiency is $50 \times 80 =$ ....	4,000 "

**130.** If there be no deficiency in production but a deficiency found in unpacked cigars, the duty is to be collected upon the deficiency last mentioned and the manufacturer may then take credit in column "Cigars Made" of his Daily Record for the quantity so deficient in the unpacked cigar account in order to bring that book into accord with stock.

**131.** The duties under the foregoing instructions will be accounted for on Form B. 52 which must contain full explanations of the source from which they are derived.

RETURNS

**132.** On or before the third working day of each month every licensed tobacco and cigar manufacturer shall prepare and deliver to the Officer in Charge a return on Forms K. 53 and K. 54, respectively, *in triplicate*, which shall be separate and distinct for each month and shall relate to the month last preceeding the date of making such return. The Officer in Charge, after having same checked and attested to by the licensee and the foreman, shall forward all three copies to the Collector, who, after checking and signing the return shall retain one copy, forward one copy to the District Inspector of Excise, and the other to the department.

**133.** On or before the tenth day of April in each year or upon the discontinuance of licence, the Officer in Charge will prepare an Annual Statement on Forms G. 56 (for tobacco) or G. 66 (for cigars), *in quadruplicate*, which shall be a complete and accurate record of the books and monthly returns for the transactions occurring in the previous fiscal year. This statement shall be attested to by the manufacturer as to the correctness of quantities stated therein. All four copies are to be forwarded to the Collector for checking and by him to the Inspector of Excise, who, upon checking and signing same, will retain one copy for his files, return one copy to the Officer in Charge and forward one copy each to the department and the Collector.

OFFICE ACCOMMODATION

**134.** The licensee shall supply suitable office accommodation for the exclusive use of the Excise staff and same shall be separate and distinct from the licensee's executive offices. All premises so provided shall be heated, lighted and equipped with office furniture and facilities to the satisfaction of the department and shall be maintained in a clean and sanitary condition, the total cost to be borne by the licensee.



**Excise Act—continued**

## INSTRUCTIONS TO OFFICERS

**135.** The Chief Officer at a manufactory classified as a special survey shall be known as "Excise Officer in Charge", and be classified in accordance with provisions of the Civil Service Act.

**136.** In all surveys where the department deems it advisable, the Officer in Charge may be provided with an assistant to be known as "Second Officer", whose position shall also be classified in accordance with provisions of the Civil Service Act.

**137.** The Officer in Charge shall be responsible to the Collector for the supervision of the manufactory staff and allocation of officers for duty in the various departments of a manufactory.

## BOOKS TO BE KEPT BY LICENSEES

**138.**

*By tobacco manufacturers:*  
Tobacco Manufacturer's  
Daily Record, T.217A  
Stamp Account T.217C

*By Cigar Manufacturers:*  
Cigar Manufacturer's Daily  
Record, T.217B  
Stamp Account T.217C

## BOOKS TO BE KEPT BY OFFICERS IN CHARGE

**139.**

Tobacco Re-weighed and Tested T.253B

Pocket Weighing Book T.254

Denomination Book (Tobacco) T.218

(For Customs Use)

Officer's Record of Raw Leaf T.244B (Tobacco Manufacturers)

Officer's Record of Raw Leaf T.244C (Cigar Manufacturers)

## TOBACCO CUTTING MACHINES

**140.** Tobacco cutting machines of the types herein specified may be held in possession and used, for the purposes and under the conditions indicated, by the following persons exclusively:—

Persons	Type of Tobacco Cutting Machine	Purposes	Conditions
(a) Licensed tobacco or cigar manufacturers.	Any type.	For use only on their licensed premises.	Upon being licensed as a tobacco or cigar manufacturer
(b) Persons dealing in tobacco at retail.	Lever press machines having a cutting blade operated manually by the vertical movement of a lever.	For cutting duty paid "Plug" tobacco for immediate sale and delivery to their customers.	Upon signing a declaration on Form L.7 and receiving a permit on Form M.9.
(c) Cultivators of tobacco as referred to in Section 273 of the Excise Act.	Hand cutting knife, being a metal blade not exceeding twelve inches in length one end of which is attached by means of a metal bolt or hinge to a wooden board and the other forming a handle which is operated by a vertical movement and not to include any form of rotary cutter or power driven machine whatever.	For cutting on the farm or premises on which the tobacco is grown, for the sole use of himself and such members of his family as are resident with him on the said farm or premises, and not for sale, a quantity not exceeding thirty pounds of home grown raw leaf tobacco in any one fiscal year for each adult male member of such family.	Without restriction except as otherwise herein specified

**Excise Act—continued**

**141.** All persons, other than those referred to in Section 140, having in their possession any tobacco-cutting machines are required to notify the Collector of Customs and Excise of the same, and it shall be the duty of the Collector to cause the same to be so fastened or sealed as to render them incapable of being used without the removal of the said seal, and any such machine found unsealed, whether previously sealed by an Officer of Excise or not, shall be forfeited and may be seized and removed by any Officer of Excise.

SALE OF TOBACCO, CIGARETTES AND CIGARS

**142.** *Licensed Manufacturers* shall sell whole packages only, each package bearing the requisite stamp properly affixed, but caddies of domestic plug tobacco sold by licensees to wholesale dealers may be split or divided by such dealers subject to the following provisions:—

- (a) the tobacco shall be taken from a properly stamped package.
- (b) each plug shall have attached thereto the manufacturer's tag or brand.
- (c) the re-packing shall consist of not less than one pound of tobacco, and it shall be placed in a suitable box of cardboard or other material.
- (d) a label, Form E. 140, supplied by the department upon requisition and signed by the dealer, shall be affixed to each unstamped container,—such label to be worded as follows:—

“This tobacco is the manufacture of.....  
 .....  
 and has been taken from a container bearing duty paid stamp  
 No.....”

Dealer's name .....

Address .....

“Notice,—The contents of this package may only be removed for sale to a customer, and when the package is empty it shall be immediately destroyed.”

It is incumbent upon licensees to notify their wholesale dealers of this requirement, thus ensuring that part caddies upon being offered for sale at retail will bear proper evidence that the duty has been paid.

**143.** No less quantities than those hereunder set forth shall be sold or removed from any licensed manufactory:—

- (a) one pound of manufactured tobacco;
- (b) one hundred cigarettes;
- (c) one package containing not less than ten cigars, or if in packages of less than ten cigars, one hundred cigars.

*Departmental Instructions*

The following revised instructions are supplementary to the foregoing and are issued for the guidance of officers and licensees alike.

GENERAL

**144.** *In cigar factories where the licensee makes moisture tests of his cigars and in tobacco factories moisture tests of other products*, it will be in order for officers to accept such tests provided they are present during the operation of testing and entirely satisfied as to the accuracy of the result.

**Excise Act—continued**

**145.** *In cigar factories where the licensee does not make moisture tests*, representative samples of the different types of cigars are to be tested by the officer. Cigars are to be taken for moisture test just prior to packing.

**146.** *In tobacco factories where the licensee does not make moisture tests*, representative samples of the different types of the finished products are to be tested by the officer,—all samples to be taken immediately prior to packing or at a time immediately before the tobacco is placed in the machines to be rolled into cigarettes or filled into packages. It will not be necessary to break up cigarettes for this purpose.

**147.** The net weight of cigarettes is to be established and checked and the statements furnished by the licensee are to be checked before acceptance by the officer. (See Sections 65, 82 and 83.)

**148.** Stamps may be affixed to newly packaged goods, or goods taken from warehouse, but in the latter case, officers who deliver tobacco products from a warehouse shall see that stamps of the proper denomination are affixed thereon before they sign the entry for consumption as outlined in Section 93.

**149.** As stems, waste, and other refuse tobacco, when removed, will constitute a credit in both tobacco and cigar factory accounting, it is essential that they be weighed in the presence of an officer who will at once establish the standard weight by the approved method. Stems, waste, etc., when weighed and credited in the "Daily Record", *shall be immediately removed from the licensed premises*. Officers must exercise reasonable precaution to see that a second credit for these by-products cannot be claimed by the licensee.

**150.** Officers in charge of cigar factories are cautioned to ensure that all cigars made are entered each day.

**151.** Officers who have charge of tobacco or cigar factories will make daily visits, where possible, to each factory under their survey.

**152.** Officers are to keep a dairy, in Book T. 253-B, at each tobacco and cigar factory showing:—

- (a) the date and hour of his visit;
- (b) a record of tests for moisture;
- (c) the duties he performs at each visit,

*and at cigar factories,—*

- (d) the number of cigar makers employed.

inasmuch as each employee rolling cigars should roll approximately the same number daily, a record of these workers may be a check against the loose cigars entered by the licensee. The officer's diary will be checked at all inspectional visits.

**"DAILY RECORD"**

**153.** The manufacturer shall enter therein, daily, *the standard weight*, as defined by the regulations, of all,—

- (a) unstemmed and stemmed leaf tobacco;
- (b) tobacco for re-manufacture, whether bonded or duty paid;
- (c) cut tobacco;
- (d) stems and waste;
- (e) scraps and cuttings,



**Excise Act—continued**

received by him at his factory. Liquorice, sugar, gum and other materials are to be recorded in *net weight* as defined by Section 29.

**154.** The manufacturer shall also enter daily the quantities of the articles mentioned in Section 153:—

- (a) when removed under permit or destroyed and duly attested to by an officer;
- (b) when produced;
- (c) showing when and how disposed of, whether removed duty paid or in bond.

**155.** In the case of cigar manufacturers, the number of cigars made each day shall be entered, together with the denominations of stock packed.

**156.** The quantities of the different kinds of manufactured articles removed from the bonded warehouse will be entered in the columns provided therefor. The date, entry number and the reason for removal, i.e.:—

- “For Consumption”
- “For Removal”
- “For Exportation”
- “For Transfer”
- “For Re-manufacture”

shall be shown under the caption “Remarks”.

**157.** Excess moisture over “standard tobacco” in the articles produced, as determined by test, shall be deducted monthly from the “Total of Materials accounted for”. In tobacco factories where cigarettes are made, the weight of the cigarette paper used shall be deducted prior to the deduction for moisture. (See Section 68.)

**158.** At the end of the month, after adjustment is made for excess moisture, the figure required to balance the “Total weight of all materials accounted for” with the “Total weight of all materials to be accounted for” will represent “Materials in process”.

**159.** The quantity of manufactured goods remaining in the bonded warehouse may be determined at any time by subtracting from the total quantity warehoused the total quantity ex-warehoused.

**160.** At the end of the month, the quantities shown in the “Duty Paid” section, plus the quantities ex-warehoused “For Consumption”, if any, shall agree with the value of stamps used, as shown by the “Stamp Record”.

**161.** Damaged stamps shall be accounted for in the manner described in Sections 115, 116 and 117.

**162.** The quantities shown in the officer’s denomination book shall, at the end of the month, be reconciled in total with the production, as shown by the “Daily Record”.

**163.** Erasures are not permitted by the Excise Act. If errors are made, a line is to be drawn through the wrong entry and the correct figures written in above and initialled by the person making the correction. *All entries shall be made in ink.*

**164.** The licensee shall keep a record of purchases of all cigar containers, together with all invoices covering such purchases, and both the record and the invoices shall be available for inspection at any time.

**Excise Act—continued****“MONTHLY RETURNS”**

(K.53 and K.54)

**165.** This is a complete abstract from the “Daily Record” of all transactions during the month preceding, and shall show the balances entered in the “Daily Record” and report for the preceding month, plus the total of all raw materials taken into the factory during the month, less quantities removed or destroyed.

**166.** The total quantities of each kind of article and the aggregate of all kinds produced, the disposition of same whether removed duty paid or in bond (less moisture in excess of standard tobacco contained in the articles produced) are required to be reported and must agree with the correct totals of the entries in the “Daily Record”.

**167.** The warehouse account shall show the quantities of each kind of article on hand in the warehouse at the beginning and the end of each month.

**168.** The quantities shown by the entries at the beginning of the month shall agree with the total of the following:—

- (a) the quantity remaining in the warehouse at the close of the preceding month;
- (b) the quantities warehoused during the month “Ex-Factory” or “On Removal”;
- (c) the quantities ex-warehoused during the month for “Removal”, “Consumption”, “Exportation”, “Transfer” and “Re-manufacture”.

**169.** Separate reports shall be required, showing the number and denominations of stamps—

- (a) on hand at the beginning of each month,—which reports shall agree with the balances at the close of the preceding month;
- (b) purchased and used during the month;
- (c) on hand at the end of each month.

**170.** Officers in charge when verifying monthly returns with the various Excise books kept by the licensee shall endorse, in all such books, a certificate reading as follows,—“Verified and found correct”

(Signature) .....

Excise Officer in Charge

Date .....

**“ANNUAL STATEMENT”**

(Forms G.56 and G.66)

**171.** This is a summary of the information contained in the monthly returns, together with the inventory of all raw materials and manufactured stock on hand on the 31st of March. It is also a statement showing the quantity of materials used compared with the quantity of manufactured tobacco produced therefrom. This latter will be prepared as follows:—

From the sum of the quantities of,—

- (a) all raw materials inventoried at the beginning of the year or period,
- (b) all raw leaf tobacco and other materials brought into the factory during the year or period, less quantities removed or destroyed, and
- (c) all tobacco, cigarettes and cigars brought into the factory for re-manufacture during the year or period,

**Excise Act—continued**

SUBTRACT

(a) the sum of the quantity of manufactured tobacco, etc., produced (less excess moisture adjustment) and materials inventoried at the close of the period or year.

The difference will be the "Surplus" or "Deficiency" in tobacco.

**3. Regulations *re* distribution of proceeds of penalties and forfeitures**

Order in Council P.C. 4652 of 14th November, 1947 (*See* CUSTOMS ACT)

**4. Regulations respecting the labelling and sale of methyl alcohol**

P.C. 1262

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 6th day of April, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the provisions of The Excise Act, chapter 52 of the Statutes of Canada, 1934, is pleased to order as follows:

1. The regulations established with a view to minimizing the dangers attendant upon the beverage use of methyl alcohol, established by Order in Council P.C. 341 of February 14, 1939, as amended, are hereby revoked; and

2. The following "Regulations Respecting the Labelling and Sale of Methyl Alcohol" are hereby made and established in substitution for the regulations hereby revoked:

*Regulations Respecting the Labelling and Sale of Methyl Alcohol*

1. "Wood Alcohol", "Methyl Alcohol" or "Methyl Hydrate", whether highly refined or not, may not be packaged and/or sold under any designation other than that of "Methyl Hydrate".

2. Packages containing Methyl Hydrate shall be labelled "METHYL HYDRATE—POISON" as provided by sections 313 and 319 of the Excise Act and, in addition, shall bear the red poison label with the poison symbol (*viz.*, skull and cross bones), prominently displayed in characters not smaller than those provided by the Excise Act for the words "METHYL HYDRATE—POISON".

3. Persons purchasing "Methyl Hydrate" from retail druggists licensed to carry on business as such under the Statutes of any of the provinces of Canada shall be required to sign the "Poison Book" for each individual purchase and this book shall remain open for inspection by Customs-Excise Officers or members of the Royal Canadian Mounted Police.

4. "Wood Alcohol", "Methyl Alcohol" or "Methyl Hydrate" may not be packaged and/or sold under the trade name "COLUMBIAN SPIRITS" or under any other designation in which the words "spirits" or "alcohol" are used.



**Excise Act—continued**

5. Preparations labelled "Anti-Freeze" containing any proportion of Methyl Alcohol which has been denatured by the addition of not less than four per cent, by volume, of kerosene or other departmentally approved denaturant, shall be labelled in accordance with requirements of Section 2 herein, but shall not be subject to provisions of Section 3.

6. The various grades of "Denatured Alcohol" and "Specially Denatured Alcohol", the manufacture and sale of which is authorized by Excise Regulation, shall continue to be labelled as heretofore in accordance with provisions of Sections 313 and 319 of The Excise Act and regulations made thereunder, but shall be exempt from the regulations established herein.

His Excellency in Council, on the same recommendation, is hereby further pleased to order that any breach of the foregoing regulations shall constitute an indictable offence.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**5. Regulations governing Registration and Licensing of Chemical Stills**

P.C. 4367

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of August, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the provisions of section 126 of The Excise Act, 1934, is pleased to order as follows:—

1. The Regulations Governing Registration and Licensing of Chemical Stills, established by Order in Council P.C. 1261 of 6th April, 1948, as amended, are hereby revoked; and

2. The annexed "Regulations Governing Registration and Licensing of Chemical Stills" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*Regulations Governing Registration and Licensing of Chemical Stills***GENERAL**

1. Wherever in these regulations or in the forms relating thereto a "still" is mentioned it shall be taken to mean a chemical still as defined by section 3 (b) of The Excise Act, as follows:—

3. (b) "chemical still" means any distilling apparatus which is kept and used by any person for the sole purpose of distilling water or reclaiming alcohol previously used in or for the preparation or manufacture of chemical, medicinal or pharmaceutical preparations, or which

**Excise Act—continued**

is used for scientific or industrial purposes, and not used for the manufacture or distillation of spirits, of which use in every case the Minister shall be the sole judge.

2. Wherever in these regulations or in the forms relating thereto the word "person" is used it shall be taken to mean "person, firm or organization."

3. The "measured content" of a chemical still as referred to in section 136 of The Excise Act as amended and in these regulations shall be ascertained by measuring, with an imperial measure, the quantity of liquid required to fill the boiler.

4. The tabulation set forth hereunder will enable collectors to decide whether stills of certain measured content and for certain purposes are to be registered or licensed.

Measured Content as per Section 3	Purpose for which Still is to be used	Whether Still should be Registered on Form E. 124 or Licensed on Form M. 12
(Imperial Gallons)		
Not exceeding 3 gals.....	By garagemen, radio dealers, soft drink manufacturers, pharmaceutical manufacturers and individuals generally for producing distilled water.	Registered.
Exceeding 3 gals.....	" " "	Licensed.
Not exceeding 3 gals.....	By educational institutions, research laboratories, chemists, druggists, pharmaceutical manufacturers and other persons having a legitimate use for a still.	Registered.
Exceeding 3 gals.....	" " "	Licensed.
Not exceeding 3 gals.....	By bona fide launderers and dry-cleaners for recovering gasoline, benzine and other textile cleaning solvents used in laundry and dry-cleaning processes.	Registered.
Exceeding 3 gals.....	" " "	Licensed.
Not exceeding 3 gals.....	By agriculturists, lumbermen and others for extracting cedar oil, peppermint oil, turpentine or any chemical other than alcohol.	Registered.
Exceeding 3 gals.....	" " "	Licensed.
Not exceeding 3 gals.....	By persons licensed under The Excise Act as manufacturers in bond, for use in reclaiming alcohol used in bond.	Registered.
Exceeding 3 gals.....	" " "	Licensed.
Any measured content.....	Bona fide public hospitals duly certified as such by the Department of National Health and Welfare.	Registered.
Any measured content.....	By persons commercially engaged in the business of distilling vinegar made from apple cider, fruit juices or other saccharine materials, such distillation to be performed under Excise supervision, as per Sections 22 to 43 of these regulations and any supplements thereto.	Licensed.

## Excise Act—continued

## CONDENSING, PASTEURIZING OR COOLING UNITS

Condensing, pasteurizing, or cooling units regardless of measured content or hourly capacity which are permanently built into and form an integral part of:		
(a) An apparatus or machine used in the manufacture of soft drinks or pharmaceutical preparations;	By manufacturers of soft drinks or pharmaceutical preparations, for producing distilled water.	Registered, — upon compliance with provisions of Section 21 herein.
(b) A laundry or dry-cleaning apparatus or machine;	By <i>bona fide</i> launderers and dry-cleaners for recovering gasoline, benzine and other textile cleaning solvents used in laundry and dry-cleaning processes.	" "
(c) An apparatus or machine used for pasteurizing unfermented fruit juices;	By fruit growers, fruit packers, canners, etc. for pasteurizing unfermented fruit juices as a method of sterilizing for preservation.	" "
(d) An apparatus or machine used for cooling, pasteurizing or sterilizing dairy products,	By <i>bona fide</i> dairies, creameries or dairy cold storage plants.	" "
(e) Any apparatus or machine not enumerated in clauses (a), (b), (c) and (d) above.	By other persons for similar purposes upon departmental approval being obtained in advance.	" "

## REGISTRATION

5. All stills the measured content of which does not exceed three gallons, except those used for distilling vinegar, shall be registered, on Form E. 124, *in triplicate*, at the office of the Collector of Customs and Excise having jurisdiction in the premises. Full instructions are contained on the form.

6. Only one registration shall be required irrespective of the number of stills involved. Such registration shall be in the name of the person, firm or organization concerned and in the case of the two latter, be signed by one of their executive officers whose title is to be stated.

7. Registration certificates shall be effective so long as the still or stills remain in the custody, possession or use of the person in whose name registration is effected and need not be renewed from year to year. If additional stills not exceeding three gallons measured content are imported, manufactured, possessed or used after registration has been effected, a supplementary registration certificate bearing the original number shall be required.

8. Registration certificate, as referred to in the preceding sections, shall clearly indicate,—

- (a) The number and description of stills imported, manufactured, possessed or used;
- (b) Whether registration is intended to cover importation, manufacture, possession or use or any or all of such acts or operations.

NOTE.—Clause (a) will not apply to dealers in stills either by wholesale or retail or to persons commercially engaged in the importation and/or manufacture of stills for sale or disposal to others. Such dealers, importers and/or manufacturers, in lieu of furnishing on the reverse side of registration certificate a description of the stills involved, shall insert a clause



**Excise Act—continued**

clearly indicating their intention to engage commercially in the business of dealing in, importing and/or manufacturing stills not exceeding three gallons measured content for sale or disposal to others and upon their being registered they shall be required to submit Quarterly Returns on Form G. 53 in accordance with provisions of section 53.

9. Registration certificates are to be available at all times for production to any Officer of Excise or any member of the Royal Canadian Mounted Police, as otherwise the still in question is liable to seizure and the owner, to prosecution.

REMOVAL OR DISPOSAL OF STILLS

10. Whenever a chemical still has been registered as being located on certain premises and it is desired to remove same to other premises either with or without change of ownership it shall be necessary, before the removal takes place, that the original registration certificate be delivered over to the local Collector of Customs and Excise, after which a new registration certificate properly describing the new premises will be executed. The collector will then forward the former certificate to the department for cancellation and amend his own records accordingly.

11. Any person not commercially engaged in the business of importing, manufacturing or dealing in stills desiring to dispose of a REGISTERED still, by sale or otherwise, to another person may do so only upon first surrendering his registration certificate to the local Collector of Customs and Excise and obtaining his consent. In pursuance of this the collector is to be furnished with the full name and address of the person to whom it is proposed to sell or dispose of such still or stills. If, after inquiry, this transaction is approved by the local collector and takes place between persons located within his survey he shall, upon obtaining registration in the name of the new owner, cancel the former registration in his records and forward the original registration certificate under covering letter to the department for cancellation. The same procedure shall be followed in cases where the proposed purchaser is located outside the jurisdiction of the local collector except that the latter shall communicate with the collector having survey over the premises of the proposed purchaser for the purpose of ascertaining that such proposed purchaser is a fit and proper person to have a chemical still in possession and use and that a registration certificate has been or will be issued in his favour.

12. Any person not commercially engaged in the business of importing, manufacturing or dealing in stills desiring to dispose of a LICENSED still by sale or otherwise to another person may do so only upon first notifying the local Collector of Customs and Excise and obtaining his consent. In pursuance of this the collector is to be furnished with the full name and address of the person to whom it is proposed to sell or dispose of such still or stills. If the person to whom the still is to be disposed of is located within the same port the collector shall ensure that such person is in possession of a licence before giving approval to the transaction. The same procedure shall be followed in cases where the proposed purchaser is located outside the jurisdiction of the local collector except that the latter shall communicate with the collector having survey over the premises of the proposed purchaser for the purpose of ensuring that a licence has, in fact, been issued in his favour.

**Excise Act—continued**

**13.** Any person wishing to dispose of a still or stills of any measured content by DESTRUCTION may do so only upon first notifying the collector, who shall detail an officer to witness such destruction. The original registration certificate shall then be surrendered to the collector and forwarded by him to the department for cancellation. The collector's copy shall likewise be cancelled. If the still is licensed the licensee, if he so desires, may advise the collector of abandonment of licence.

**LICENSING**

**14.** Except as tabulated in section 4, all stills the measured content of which exceeds three gallons, shall be licensed on Form M. 12, the fee for which shall be two dollars for each fiscal year whether such licence has a full year or only a part of a year to run from the date when it was granted.

**15.** Application for a chemical still licence shall be made on Form L. 9 Amended, *in triplicate*, and the bond of a guarantee company approved by the Minister in the sum of one thousand dollars is to be submitted to the collector before issue of licence.

**16.** The collector shall forward all applications to the District Inspector of Excise for examination and approval, who shall upon approval, submit same to the department for authorization.

**17.** The collector will not issue a licence until authorization has been received from the Deputy Minister; the requisite bond, in the form prescribed by the department deposited with him and the licence fee paid.

**18.** Chemical still licences and guarantee bonds given as security are renewable as of April 1st in each year upon payment of the annual licence fee of two dollars and renewal of the guarantee bond.

**19.** Applications for renewal of licence on Form L. 9, *in triplicate*, should be made in the month of February in order that the licence may be issued as of April 1st in each year.

**20.** Any chemical still, previously licensed but for which an application for renewal of licence has not been received on or before March 31st, is liable to seizure under The Excise Act, as amended, or may be sealed by Crown lock at the discretion of the collector who shall then report the full facts to the department for instructions.

**CONDENSING, PASTEURIZING OR COOLING UNITS**

**21.** Condensing, pasteurizing or cooling units regardless of measured content or hourly capacity which are permanently built into and form an integral part of an apparatus or machine used:

- (a) By manufacturers of soft drinks or pharmaceutical preparations, for producing distilled water;
- (b) By dry-cleaners and launderers for recovering gasoline, benzine and other textile cleaning solvents;
- (c) By fruit growers, fruit packers, canners, etc., for pasteurizing unfermented fruit juices as a method of sterilizing for preservation;
- (d) By *bona fide* dairies, creameries or dairy cold storage plants for cooling, pasteurizing or sterilizing dairy products;

**Excise Act—continued**

- (e) By other persons, for similar purposes, upon registration certificate, description, and letter explanatory as to purpose being submitted by the collector to the department for approval in advance of issue of such registration certificate,

are regarded, for the purpose of these regulations, as being subject to registration, on Form E.124, upon the owner furnishing a description in the form of a blue print, pencil sketch or photograph satisfactory to the collector and to be filed by him along with registration certificate.

VINEGAR STILLS

22. Chemical stills of any measured content for use under Excise supervision by persons commercially engaged in the business of distilling vinegar made from apple cider, fruit juices or other saccharine materials, shall be licensed on Form M.12 upon compliance with these regulations.

23. Application for a chemical still licence is to be made to the collector on Form L.9 Amended, *in triplicate*, accompanied by complete plans and specifications, together with Forms E.110, E.111 and E.114, all of which shall be *in triplicate* except Form E.114, which shall be *in duplicate*.

24. Application for transfer of licence from one premises to another, within the same port, are to be similarly dealt with except that application Form L.10, *in triplicate*, is to be used.

25. In making application for renewal of licence, where no changes have been made in the licensed premises, only Form L.16, *in triplicate*, will be required.

26. When any material changes have been made in the licensed premises, supplementary plans and descriptions, *in triplicate*, accompanied by Forms E.146, also *in triplicate*, will be submitted at the time these changes have been completed.

27. Plans and specifications shall bear the same date as all the accompanying forms and shall be signed by the applicant or his duly authorized agent.

28. Plans submitted are to be drawn to scale, in ink, on tracing cloth, or may be printed.

29. The collector shall forward all applications to the District Inspector of Excise for examination and approval, who shall upon approval, submit same to the department for authorization.

30. The collector will not issue a licence until authorization has been received from the Deputy Minister; the requisite bond, in the form prescribed by the department deposited with him and the licence fee paid.

31. A closed receiver room is to be provided in which a tank, or tanks, are to be installed to receive the distillate from the chemical still. This enclosure may be a separate room, or when forming part of the floor of a building, a partition shall be constructed separating the closed receiver tanks from the other section of the room.

32. If wire screening be used in construction of the closed receiver room the wire shall not be smaller than No. 9 gauge and the mesh shall not be greater than two inches in diameter. It shall be securely fastened at top, bottom and sides.



**Excise Act—continued**

**33.** If the closed receiver room is constructed of wooden slats, same shall not be more than two inches apart and be nailed on the inside to substantial horizontal supports with cross-slats running the entire length of the partition on the outside and placed so that the ends of the upright slats may be secured by nails which are to be driven through the upright and cross-slats and clinched on the inside.

**34.** Partitions separating the closed receiver room from other space shall be built on a solid base at least four feet in height, and if such base be wood, the boards shall be of tongue-and-groove type.

**35.** The closed receiver room shall have one entrance only and all doors, windows and other means of ingress shall be fastened on the inside in a secure manner and to the satisfaction of the collector and inspector. The door of this room shall be locked with label lock, the key of which shall not be given into the possession of any person other than an Officer of Excise.

**36.** The joints of all pipes leading from the head of the still into, through and from the condenser into the closed receivers are to be brazed or otherwise secured to the satisfaction of the Inspector of Excise. If flanged unions are used they are to be Crown sealed.

**37.** The closed receivers in the closed receiver room shall be locked with Crown label locks at the top and bottom and shall remain locked at all times except during the presence of the Excise Officer who may release the vinegar from time to time as required.

**38.** The Excise Officer before releasing the distillate to the licensee shall:

- (a) Ensure that all locks and seals are intact;
- (b) Designate the contents of each closed receiver as a batch, and number each batch consecutively beginning with number "1" on April 1st, of each year, such record to be kept in a blank book such as No. 232;
- (c) Ensure, by taste and smell, that the article is, in fact, vinegar and not alcohol;
- (d) Take, in the official container supplied by the department, a representative eight-ounce sample from the top of each tank to be released;
- (e) Complete and affix to each sample taken, the official label, Form E.119, by inserting, in ink, the name and address of the licensee; the date sample was taken; the consecutive number of the batch and the officer's signature;
- (f) Deliver all such properly corked and labelled samples to the collector or sub-collector who shall retain same in consecutive order for a period of six months, after which, unless called for by the department for test, they may be destroyed.

**39.** Official eight-ounce containers as referred to in the preceding section, together with mailing tubes for same, may be obtained on requisition to the department.

**40.** Supervision is to be maintained under all vinegar still licences by an Officer of Excise. The supervision fee shall be \$1.50 per hour. No visit shall constitute less than one hour, fractions of an hour being counted as whole hours.



**Excise Act—continued**

41. Supervision fees shall be payable at the end of each month and shall be determined by the collector from the attendance book or diary to be kept at each factory,—the amount collected being accounted for in the Sundry Collections Cash Book.

42. If during the currency of an entire calendar month the services of an officer are not required, no charge for supervision shall be made.

43. The usual fees for overtime, as established by regulations, shall be charged by the officer to the department for all services rendered before or after office hours or during the noon hour, or on Sundays or statutory holidays.

IMPORTERS, MANUFACTURERS AND DEALERS

44. When a person engages in the business of importing and/or manufacturing stills for sale or disposal to others, or of buying and selling stills, the measured content of the still or stills so imported, manufactured or otherwise dealt in shall decide whether such importer, manufacturer or dealer shall be registered or licensed. In either event quarterly returns on Form G. 53 shall be required.

45. Except glass stills every still imported from abroad, manufactured in Canada or otherwise dealt in as referred to in the preceding section, shall bear the name and address of such importer, manufacturer or dealer together with a serial or code number by which the still can be definitely identified. Such serial or code number shall be based on a system to be established by the importer, manufacturer or dealer and concurred in by the collector.

46. The name and address and serial or code number referred to in the preceding section shall be permanently indented into or affixed to the still proper in a manner satisfactory to the collector.

47. The making of repairs to, or alterations in the construction of a still of any description or under any circumstances, shall be regarded for the purpose of these regulations, as the manufacturing of a still and all such transactions are to be included in quarterly return to be submitted on Form G. 53. Details of such repairs or alterations are to be given, in each instance, in concise form. It shall not be necessary, however, to inscribe on the still the name and address and serial or code number as referred to in the two preceding sections unless in the making of such repairs or alterations the part bearing the identification marks and numbers has been removed, in which event, the name and address and serial or code number of the person or firm making the repairs or alterations is to be inscribed on or indented into the still proper in a manner satisfactory to the local Collector of Customs and Excise.

48. Stills shall be disposed of or delivered to persons who have been duly registered or licensed under provisions of The Excise Act and regulations and under no circumstances to an unregistered or unlicensed person. Any breach of this regulation constitutes an offence against The Excise Act and is punishable accordingly.

TRANSPORTATION OF STILLS

49. Importers, manufacturers or dealers, as herein referred to, may transport stills by means of their personally owned delivery services but whenever stills are transported otherwise they are to be consigned by

**Excise Act—continued**

bonded carrier on an Order Bill of Lading to order of the Collector or Sub-Collector of Customs and Excise at destination, "notify ultimate consignee." In the case of shipment via bonded carrier other than railway, steamship or express, a copy of the Order Bill of Lading shall be delivered to the collector who will in turn immediately forward same by mail to the collector or sub-collector having survey over the point of destination.

**50.** The collector or sub-collector upon receipt of an Order Bill of Lading covering a still shall immediately notify the ultimate consignee but shall permit delivery under the following conditions only:

- (a) That the person to whom the still is consigned is a fit and proper person to have in possession and use a chemical still and that such still will be used for a legitimate purpose within the meaning of The Excise Act and regulations—all cases of doubt to be referred to the department for decision.
- (b) That the person to whom the still is consigned has either been registered or licensed.

**51.** The collector, upon granting release of a still forwarded on an Order Bill of Lading, shall do so by endorsing across the face of same the following:

"Deliver to.....  
(Name of consignee)

upon payment of freight and other charges."

Should this notation be omitted collectors may render themselves personally liable to the transportation company for payment of the charges if such payment be refused by the shipper or consignee.

**52.** Every person other than an importer, manufacturer or dealer, as herein referred to, not already bonded as a carrier of all excisable goods, who transports chemical stills shall be required to furnish a bond of a guarantee company approved by the department in the sum of One Thousand Dollars. Such bond shall be conditioned for transportation of chemical stills only when same are consigned on an Order Bill of Lading to order of the Collector or Sub-Collector of Customs and Excise at destination.

**RETURNS**

**53.** Persons commercially engaged in the business of importing, and/or manufacturing stills for sale or disposal to others or who deal in stills either at wholesale or retail shall be required to register once only or be licensed once yearly irrespective of the number of stills imported, manufactured or dealt in during any fiscal year, but every such importer, manufacturer or dealer shall on or before the third days of April, July, October and January in each year submit to the local Collector of Customs and Excise a return, *in triplicate*, on Form G. 53, showing all details of receipts and disposals during the three calendar months immediately previous. These details, in addition to dates, will include:

- (a) The serial or code number; material of which each still is made; the measured content of each still and the name and address of the person or firm from whom received in the first instance as respects each and every still on hand at the beginning of the period as ascertained by stocktaking;

**Excise Act—continued**

- (b) Detailed information concerning all stills acquired during the period, showing dates; serial or code numbers; material of which each still is made; its measured content and the name and address of the person or firm from whom received in the first instance; this statement to be concluded with a certificate reading as follows:

“I hereby certify that this statement constitutes an accurate and complete return of all stills carried over from last quarter as determined by actual stocktaking and of all stills imported, manufactured or otherwise acquired during the period covered.”

- (c) An itemized return of all disposals, giving dates; serial or code numbers; material of which each still is made; its measured content; the name and address of the manufacturer of each still; the name and address of the person or firm to whom each still is delivered and the serial number of their registration certificate or licence as the case may be; and
- (d) The same information as called for in clause (c) as respects all stills on hand at the end of the quarter as determined by actual stocktaking—this return to be concluded with a certificate duly signed and reading as follows:

“I hereby certify that this statement constitutes an accurate and complete return of all disposals of stills for the period covered and that the record of stills on hand at the end of the period was determined by actual stocktaking.

Signed.....

(Still importer, manufacturer or dealer)”

NOTE.—If no stills have been imported, manufactured, repaired, altered or otherwise acquired or disposed of during the quarter a “Nil” return, on Form G. 53, is to be submitted.

**54.** Collectors upon receiving Quarterly Return of Receipts and Disposals of Stills, Form G. 53, shall—

- (a) Ensure that all stills listed as disposed of to persons located within the survey of their port are either registered or licensed according to their measured content.
- (b) Notify in writing the collectors having survey over the premises of persons located in other ports to whom stills have been consigned.

**55.** On or before the tenth days of April, July, October and January in each year Collectors of Customs and Excise having survey over ports where still importers, manufacturers or dealers are located shall forward to the department two copies of Form G. 53, after having carefully scrutinized same as to completeness, legibility and accuracy. One of these copies will later be forwarded by the department to headquarters, Royal Canadian Mounted Police, in order that they may have on record the names of persons receiving stills.

**56.** In the event of it being discovered as result of inquiry, or otherwise, that stills or parts of stills have been delivered to unauthorized persons the collector will immediately report the full facts to the nearest division or detachment of the Royal Canadian Mounted Police for such action by way of seizure, or otherwise, as may be warranted by the circumstances.



**Excise Act—continued****6. Consolidated Regulations governing Manufacturers in Bond**

P.C. 4368

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of August, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the provisions of section 126 of The Excise Act, 1934, is pleased to order as follows:

1. The Consolidated Regulations Governing Manufacturers in Bond, established by Order in Council P.C. 3818 of 31st August 1948, as amended, are hereby revoked; and

2. The annexed "Consolidated Regulations Governing Manufacturers in Bond" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*Consolidated Regulations Governing Manufacturers in Bond*

## LICENSING

1. All original applications for licence are to be made to the Collector of Customs and Excise on Form L. 1 amended, *in triplicate*, and are to be accompanied by:—

- (a) Complete plans and specifications, *in triplicate*;
- (b) Form E. 110, *in triplicate*;
- (c) Form E. 111, *in triplicate*;
- (d) Form E. 114, *in duplicate*;
- (e) Form L. 3a, *in triplicate*.

2. Applications for transfer of licence from one premise to another within the same port, are to be similarly dealt with except that application Form L. 10, *in triplicate*, is to be used.

3. In making application for renewal of licence, where no changes have been made in the licensed premises, only Form L. 16, *in triplicate*, will be required.

4. When any changes have been made in the licensed premises supplementary plans and descriptions, *in triplicate*, accompanied by Form E. 146, also *in triplicate*, will be submitted at the time these changes have been completed.

5. Plans and specifications shall bear the same date as all the accompanying forms and all shall be signed by the applicant or his duly authorized agent.

6. Plans of premises to be licensed are to be drawn to scale in ink on tracing cloth or may be printed.

**Excise Act—continued**

7. Plans must include a manufacturing compartment, an Excise Bonding Warehouse and office space for Excise Officer.

8. The Collector shall forward all applications to the District Inspector of Excise Duty for examination and approval, who shall, upon approval submit them to the department for authorization.

9. The Collector will not issue a licence until authorization has been received from the Deputy Minister; the requisite bond, in the form prescribed by the department, deposited with him and the licence fee paid.

10. The licence may be issued on or before the 1st of April, at the same time the licence fee will be accounted for in the Excise Duty Cash Book, and after endorsing the application papers, the Collector will send one set to the department, deliver one set to the applicant and file one in his office. The set returned to the applicant should be the one to which Form E. 114 is not attached.

11. If there are no dutiable goods on hand either in bond or duty-paid and no balance of stock in process in his factory, the licensee may, at pleasure, delay renewing his licence.

12. Bonded factory licences are to be made out on Form M.5, and the class or kind of factory, such as "vinegar", "perfume", etc., should be shown in prominent letters on the face of the licence. The manufacturer of flavouring extracts is regarded as a manufacturer of pharmaceutical preparations, and may be so designated.

13. Any bonded factory licensed under the Act may be closed and the licence forfeited, whenever it is shown to the satisfaction of the Minister of National Revenue that there is just cause for believing that frauds upon the revenue are being perpetrated in connection with such manufactory.

SEVERAL LICENCES IN SAME GENERAL PREMISES

14. The issuance of more than one bonded factory licence to the same applicant to operate in the same general premises is permitted, but separate applications, guarantee bonds, and licences must be made for each class of manufacture.

15. The licensee may warehouse the spirits required for all his bonded factories in the Excise Bonding Warehouse of any one of them, transferring smaller quantities as required from time to time on a transfer entry from one bonding warehouse to another bonding warehouse. The receiving factory will be charged with the quantity and shall ex-warehouse at the rate pertaining to the spirits when used under that licence.

16. Every such transfer entry, as well as the Delivery Order, Form C. 53, shall be endorsed by the Collector with the words "Permission granted".

17. Where two or more factories are located in the same general premises, each bonding warehouse and duty-paid storage room in each factory shall have placed over the door the descriptive name of the licensed premises to which it belongs, such as "soap", "perfume", "pharmaceutical preparations", etc.

**Excise Act—continued****GENERAL**

**18.** Subject to the provisions of the Excise Act, to these regulations and to such further regulations as may be made by competent authority, licences may be granted to manufacture "In Bond" articles of commerce approved of by the Minister, in the manufacture of which, goods subject to Excise duty are used.

**19.** The licensee shall furnish the Deputy Minister with formula cards 6 inches by 4 inches, *in triplicate*, each card to be endorsed with the name and address of the licensee, covering the articles to be manufactured under the licence. These formulae shall show, in detail, the name of the preparation and the quantity or amount of each ingredient to be used in the manufacture of each, as shall, in the opinion of the Deputy Minister, sufficiently denature the spirits. It is not necessary to disclose the complete formula on any formula card submitted. The ingredients deemed necessary to denature the spirits may be indicated thereon by any means decided upon by the Deputy Minister. The Excise Officer must see the listed ingredients added to the mixture. In case of liquid constituents, the quantities should be stated in terms of imperial gallons, ounces and fractions of ounces. Solid constituents should be stated in terms of pounds, ounces and fractions of ounces avoirdupois. The Deputy Minister reserves the right of approving or rejecting any formula. The provisions of this section do not apply to manufacturers of vinegar and perfume.

**20.** After the formula has received the approval of the Deputy Minister, one copy will be returned to the licensee. This copy is to be available for the Excise Officer when supervising manufacture and Excise Officers in charge of bonded factories are required to see that the manufacturer adds all ingredients and in the quantities set forth in the approved formula. Any formula card may be cancelled for sufficient reason by the Deputy Minister.

**21.** Should it be ascertained by any process or test of any of the articles made that a greater quantity of spirits has been used in the preparation than is shown in the formula, duty applying to spirits shall be collected upon the excess ascertained during the currency of the licence then in force.

**22.** Customs-Excise Officers may, at any time, take samples from any of the packages of spirits brought in or from any of the packages of vinegar or other articles made in or brought into any bonded factory as may be deemed necessary for determining their strength or quality. Unused portions of samples are to be returned to stock.

**23.** Should an Inspector of Excise on visiting a bonded factory observe anything which, in his judgment, might lead to a loss of revenue or interfere with its proper collection or that might offer facilities for fraud, he is empowered to give instructions as to the changes he may deem necessary, and such instructions shall be complied with by the manufacturer or his agent. If the said changes are not made within the space of ten days, his licence may be forfeited.

**24.** Every bonded factory shall be provided with suitable scales approved by the Department of Trade and Commerce for weighing all excisable goods and other materials brought into the factory and when taken for use.



**Excise Act—continued**

**WAREHOUSES**

**25.** In all bonded factories, duty paid goods must be stored in a separate warehouse from goods in bond. This warehouse shall be termed a Duty-Paid Storage Room. If the licensee undertakes to pay duty on all spirits received in bond immediately on arrival, there will be no objection to his employing the Excise Bonding Warehouse from time to time solely as a Duty-Paid Storage Room. Under these circumstances a specially constructed Duty-Paid Storage Room need not be required, but the applicant is required to sign the undertaking on Form L. 3a amended, attached to his application for licence by which he binds himself to pay duty on all spirits received immediately after having been warehoused.

**26.** When a bonding warehouse is thus used for the storage of duty-paid alcohol or rum it shall continue to bear the sign *Canadian Government Excise Bonding Warehouse*.

**27.** All bonding warehouses and duty-paid storage rooms must be constructed in accordance with the provisions of the General Warehousing Regulations,—Circular 327C as revised from time to time.

**SUPERVISION FEE**

**28.** Every person, to whom a "Bonded Manufacturer's Licence" is granted, shall pay to the Collector of Customs and Excise, in addition to the licence fee named in the Act, sufficient sums of money to cover the expenses incurred by the Department of National Revenue for the effective supervision of the manufacturing carried on under such licence.

**29.** In licensed bonded factories, the supervision fee shall be \$1.50 per hour. No visit shall constitute less than one hour—fractions of an hour being counted as whole hours.

**30.** Supervision is intended to include the attendance of an officer at all manufacturing operations, including testing of spirits, warehousing and ex-warehousing of spirits, packing and releasing goods for export and any other operation requiring the attendance of an officer.

**31.** For all services rendered before or after authorized office hours or during the noon hour or on Sundays or statutory holidays, the usual hourly fees shall be charged. Supervision fees shall be payable at the end of each month and shall be determined by the Collector from the attendance book to be kept at each factory. The Collector will bill the manufacturer for the amount of the account and, on collection, will show it in his Sundries Cash Book.

**32.** If during the currency of an entire calendar month the services of the officer are not required, no charge for supervision shall be made.

**33.** When any person or company operates under more than one bonded factory licence in the same general premises, the supervision fee to be collected will be based on the aggregate hours of attendance.

**WAREHOUSING AND EX-WAREHOUSING**

**34.** Every package of spirit brought into any bonded factory shall at once be weighed and the alcohol shall be tested for strength, warehoused and placed in an Excise Bonding Warehouse where it shall remain under

**Excise Act—continued**

Crown lock until ex-warehoused for use, and then shall be conveyed immediately to the mixing room where it is to be used in the presence of the officer.

**35.** No quantity of goods is to be brought in, in excess of the proper capacity of the warehouse.

**36.** All goods warehoused shall be at the rate of duty shown on the Removal Entry. When ex-warehoused at a lower rate of duty or free of duty the Consumption Entry shall bear the notation: "To be used in the manufacture of ..... in bond"—the notation being filled in to suit the actual case.

**37.** The Excise duty to be collected upon spirits imported into Canada for use in bonded factories is 30 cents per proof gallon when transferred from Customs and warehoused in Excise bond. An additional rate of duty per proof gallon will be collected at the rate prescribed by the Schedule to the Excise Act when ex-warehoused for use.

**38.** All alcohol received in bond shall be weighed and tested at the factory and a detailed record of such weighing must be kept in a diary or pocket weighing book provided for this purpose. (Pocket Weighing Book T.254, or for Vinegar Factories, T.252). After alcohol is delivered ex-warehouse for use, the packages when emptied are to be tared immediately. The officer will enter the tare in his weighing book, opposite the weight recorded when the package was received—this entry to be dated.

**39.** In testing alcohol for warehouse, the sample invariably is to be brought to a temperature of 62 degrees Fahrenheit. Facilities for bringing the alcohol to the correct temperature will be supplied by the licensee. When testing for checking purposes it will be sufficient to test at whatever temperature is found.

**40.** In outports where a second officer is not available, and in case of a marked discrepancy in either weight or strength, some responsible person such as the Mayor, Postmaster or other Government official should be asked, in view of possible subsequent dispute, to witness and certify to the weighing and testing of spirits for warehouse.

**41.** When excisable goods are received in bond at a bonded factory and a discrepancy of one-half of one per cent or greater is found to exist, the amount actually received is to be warehoused and the discrepancy is to be reported to the Collector of the port from which goods were removed. Form E.112 is to be used.

**42.** The Collector may detail an officer in addition to the officer in charge of the bonded factory, to weigh and test the alcohol brought in and see it placed under lock in the bonding warehouse of the factory, and to certify the fact in writing upon one copy of the warehouse entry. In all cases whenever a discrepancy occurs the Collector shall detail an officer in addition to the officer in charge to weigh and test the alcohol.

**43.** Except as otherwise provided the duty shall be paid on all spirits required for use before the goods are delivered ex-warehouse.

**FREE ENTRIES**

**44.** Where no Excise duty is collectible on alcohol used in bond, an ex-warehouse entry for the total quantity delivered shall be passed by the manufacturer on the 10th, 20th and last day of each month, which shall be

**Excise Act—continued**

headed "Free Entry" and shall bear the sub-heading: "Free for the manufacture of ..... in bond by authority of section 221 of the Excise Act 1934". The officer in charge shall place his certificate on the entry to the following effect, viz: "I hereby certify that the above quantity of alcohol was ex-warehoused during the period stated for the manufacture of ..... in bond."

**RUM**

**45.** In order to avoid losses by leakage and evaporation on rum stored in original packages, the manufacturer will be permitted, at the time when same is received from Customs, to transfer the rum, in the presence of two officers, from the original packages into other suitable barrels or containers before it is placed in Excise bond. It will be necessary to tare the new packages in advance and when filled they are to be weighed and samples taken for submission to the department. The packages will then be stored in warehouse pending receipt of report from the Deputy Minister. If the barrels being received are judged to be all of one lot, one sample made up of an equal portion from each of the packages will answer for the whole, instead of taking independent samples from each package to be reported upon separately. Every care is to be taken to ensure that the original containers are completely drained.

**46.** The specific gravity as reported by the Deputy Minister will be the weight of the rum before the sample is distilled, and the strength will be as found after distillation. From this information, with the net weights, the officer will determine the contents of each package and shall affix to each a tag showing: date, serial number, gross, tare, net, standard gallons, strength, specific gravity, and proof gallons.

**47.** In T.258, rum is to be accounted for on a page separate from alcohol, but in most cases it will be advisable to use separate books for rum and for alcohol.

**GOODS WEIGHED FOR USE**

**48.** In every bonded factory, without exception, all rum and spirits, when delivered for use, are to be carefully weighed by the officer. The licensee may check the receipt of spirits for use by measure.

**49.** In delivering spirits for use officers are especially warned that they are not to make any adjustments or allowances in either weights or records with the object of maintaining an exact balance between records and actual stock.

**50.** Every mark on every package in which any excisable goods are taken to any bonded factory, shall be completely erased and removed from such package as soon as it is emptied.

**SPIRITS REMOVED**

**51.** Spirits shall not be removed from a bonded factory without the specific written permission of the department or Inspector of Excise Duty, and then only to another bonded factory or to a licensed distillery; except when two or more bonded factories are situated in the same premises and are licensed under the same name.



**Excise Act—continued****DRAWBACKS ON EXPORTATION**

**52.** Manufacturers intending to make claim for drawback of the duty paid on spirits used in goods which have been manufactured under bond and subsequently exported, shall submit to the Deputy Minister cards 6" x 4" *in triplicate*, showing the number of the formula approved by the Deputy Minister, the name of the preparation, and a declaration which is to be signed and sworn to by the licensee, and will be as follows:

"I certify that the quantity of alcohol used under bond in the manufacture of the above preparation is .....% of the finished product, and that each gallon of the preparation exported contains ..... proof gallons.

.....  
Signature of Licensee

Sworn to before me at .....

this.....day of.....19....

.....  
Excise Officer

**53.** Samples may be taken by the Excise officer at any time for analysis.

**54.** After the declaration card has received the approval of the Deputy Minister, one copy will be returned to the licensee and one copy forwarded to the Collector.

**55.** Entries for "warehouse" and "ex-warehouse for export" shall be passed at the time of shipment of goods, showing the name of the preparation, number of approved declaration, size of the various containers and the quantitative number of each size so exported.

**56.** Application for drawback may be made through the Collector, on Form N.13, and with proof of export as required by the Warehousing Regulations, (Circular 327-C as revised).

**57.** Drawback shall be made on the basis of the actual percentage of spirits used in the preparation, as per declaration, at the rate of duty paid when the spirits were ex-warehoused for use.

**58.** Claims for drawback will not be accepted unless presented within three years from date of exportation.

**59.** When goods are exported in small containers which cannot be measured by the officer, it will be necessary for him to take a given number of bottles of the same kind and size, and after having filled them with water to the same height as in the bottles intended for export, obtain the gross and net weight, and from this, using Sp. Gr. 10·0·, the approximate content may be calculated.

**CHEMICAL STILLS AND RECLAIMED SPIRIT**

**60.** Stills which are used or that may be used for the purpose of reclaiming spirit shall have a receiver attached to the tail of the worm.

**61.** The receiver shall be kept under Crown lock,—the key of the latter remaining in possession of the officer, whether the still is in use or not.

**Excise Act—continued**

**62.** The officer shall see that all connections between the still and the receiver are secured in such manner that all the spirit shall pass into the receiver.

**63.** The reclaimed spirit shall be weighed and tested under supervision of the officer, and if not required for immediate use shall be placed in Duty-Paid Storage Room and treated thereafter as duty paid spirit,—this test to be taken at 62° Fahrenheit.

**64.** Spirit reclaimed in a bonded factory paying one rate of Excise duty on the alcohol used therein may not be removed to or be used in a bonded factory employing alcohol at another rate of Excise duty.

**65.** Each quantity of reclaimed spirit when placed under Crown lock shall bear a tag to be made out and signed by the officer showing serial number, date and quantity in pounds, standard gallons, strength and proof gallons.

**66.** The officer will keep a record, on a special page in T.258, of all quantities of reclaimed spirit produced and taken for use in the factory. In some cases a separate book T.258 may be desirable for this purpose.

**67.** Reclaimed alcohol, when used, shall be recorded by weight in T.271 with a notation "equivalent to . . . . . pounds of 65 o.p. alcohol".

**STOCKTAKING**

**68.** As of March 31 of each fiscal year, stock shall be taken in all bonded factories by the licensee, under the supervision of the Excise Officer in Charge, of all materials on hand or in process on that date. Stock must also be taken at the time of concluding a licence. Any surplus found is to be charged in the records immediately but no deficiency may be written off without authority of the department.

**69.** Application to take credit for deficiencies is to be made on Form N-21, *in quadruplicate*, and shall be attached to and accompany the annual returns.

**70.** The Forms N.21 are to be compiled to show the amount which may be given credit by reason of any allowance provided for in the Excise Act or these Regulations.

**71.** The percentage of deficiency will be ascertained by adding to the quantity ex-warehoused for use during the year the quantity found by stocktaking at the close of the last fiscal year and then deducting from this total the actual quantity found at current stocktaking.

**72.** A signed statement of the officer, showing in detail the particulars of each item included in the stocktaking as respects gauge, weight and test, is to be attached to one copy of the annual return, and this is to be retained by the Inspector.

**BOOKS, MONTHLY AND ANNUAL RETURNS**

**73.** In every case where stock books are required to be kept by the licensee he shall make the necessary entries and such entries shall be made immediately after the operations to which they relate. The officers are to check these entries and are to compare the monthly returns with the

**Excise Act—continued**

stock books. Officers are forbidden to keep the stock books for the manufacturer, or to make out entry papers, but they should always be ready to render any assistance to the manufacturer.

**74.** On or before the third working day of each month a monthly return shall be submitted from every licensed bonded manufacturer as follows:—

	Returns	Prepared by
Vinegar .....	K.60	Licensee
Pharmaceuticals .....	K.63	Officer
Perfume (amended to suit).....	K.63	Officer
Wine .....	K.63	Officer
Miscellaneous Products (amended to suit) ..	K.63	Officer

*in triplicate*, which shall be separate and distinct for each month and shall relate to the month last preceding the date of making such return. The Officer in Charge, after having the return checked and attested to by the licensee, shall forward all three copies to the Collector, who, after checking and signing the return, shall retain one copy, forward one copy to the District Inspector of Excise Duty and the other to the Deputy Minister, in envelope W.1.

**75.** On or before the tenth day of April in each year or upon the discontinuance of licence, the Officer in Charge, will prepare an annual statement on forms:—

Perfume (amended to suit).....	G.64
Pharmaceuticals .....	G.64
Wine .....	G.64
Vinegar .....	G.73
Miscellaneous Products (amended to suit).....	G.64

*in quadruplicate*, which shall be a complete and accurate record of the books and monthly returns for the transactions occurring in the previous year. This statement shall be attested to by the manufacturer as to the correctness of quantities stated therein. All four copies are to be forwarded to the Collector and by him to the Inspector of Excise Duty, who, after checking and signing all copies, will retain one copy for his files, return one copy to the Officer in Charge and forward one copy to the Deputy Minister and one to the Collector.

**SPIRIT VINEGAR FACTORY REGULATIONS AND INSTRUCTIONS**

**76.** A mix-tub and receiver of sufficient capacity shall be provided. These must be equipped for locking or located in a compartment which may be placed under Crown lock when so required. A dip rod, prepared under the supervision of the Collector, shall be provided.

*Ex-Warehousing Alcohol*

**77.** Packages of alcohol shall not be removed from the bonding warehouse until after the "spirit maximum" of the content of the mix-tub has been determined. Packages are not to be taken out of the bond, the proof content of which will probably exceed the spirit maximum.

**78.** Each package of alcohol, including drums, when taken for mix, is to be weighed, gross and tare, and the contents tested by the officers. This check-test may be made at the temperature found.



**Excise Act—continued**

**79.** The Officer in Charge will show all details of weighing and testing of alcohol received into the factory on the debit side of T.252, and on the credit side, opposite the debit entry of each respective package, the gross, tare and net weight of the reweigh, the strength and the date when taken for use. The test of each package taken for use is to be recorded in terms of temperature, indication and strength in the marginal column. If more than one package is taken for use at the one time, a general mixed sample may be taken to represent the lot.

**80.** After the completion of the mix of the vinegar with the alcohol, the officer or officers shall place his or their initials opposite the entry on T.252.

*Mix*

**81.** The Officer in Charge and, if required, his assistant, shall be present at all mixes. A manufacturer will not be permitted to make at any one time, a mix of greater quantity than one which, when added to the amount of mix on hand, will equal the amount necessary to supply the generators for the five (5) following days not including Sundays and legal holidays.

**82.** All alcohol delivered for use must be denatured in the presence of the officer or officers by the admixture of vinegar in the proportion of five (5) or more parts of proof vinegar to one part of proof spirits. The Deputy Minister may modify this regulation to meet special conditions.

**83.** Before requesting the delivery of alcohol ex-warehouse for use in his factory, the manufacturer shall place in his mix-tub a quantity of vinegar equal to five (5) or more times in proof gallons the quantity of proof gallons of alcohol he wishes to take for use.

**84.** The officer or officers shall then measure the vinegar in the mix-tub by dip, and after the manufacturer has plunged the contents thoroughly, take a sample of same and test it for acetic strength. They shall then compute the proof gallons of vinegar contained in the mix-tub and divide the result by five which will give the maximum amount of proof gallons of alcohol (to be called the "spirit maximum") which may be added to the mix as "taken for use".

**85.** All samples, measurements and calculations must be taken or made by the officers.

**86.** No alcohol is to be placed in the mix-tub until after the spirit maximum of the vinegar contained in the mix-tub has been obtained. In no case is an exception to be made to these instructions and the officers will be held personally responsible that it shall not occur.

**87.** The use of beer, wine, cider or other food material will be permitted, but in determining the production of the factory, no allowance will be made for the acid or spirit content of the above materials.

**88.** No beer, wine, cider or other food material shall be placed in the mix-tub until after the spirit maximum has been determined by the officers.

**89.** In determining the spirit maximum no allowance shall be made for alcohol contained in beer, wine or cider to be added to the mix.

**Excise Act—continued**

**90.** The officers are required to see the alcohol completely emptied from the packages into the mix, and shall tare the empty packages at once to ensure that no alcohol remains in them.

**91.** The completed mix is to be plunged thoroughly, in the presence of the officers.

**92.** Every mix shall bear a number and shall be recorded in sequence in the Vinegar Manufacturer's Daily Record. A new series of numbers commencing with number one shall be begun on April 1 in each year.

**93.** No less quantity than the entire contents of one drum of alcohol shall be taken for use at one time.

**94.** The officer in charge shall lock the mix-tub or the door of the mix room temporarily, when it is necessary to safeguard the vinegar prepared for mix until the alcohol to be used therein is released from the bonding warehouse. The finished mix may be released for distribution to the generators only. No portion of any mix may be held back from the distributor or generators for use in preparing a subsequent mix.

**95.** Whenever the manufacturer desires, the quantity of vinegar in the receiver shall be gauged and tested by the Officer in Charge. The manufacturer will then be at liberty, under the continued supervision of the officer, to take any desired quantities of this vinegar for purposes of mix, for re-run through the generators, or for shipping purposes. The quantity which the officer finds in the receiver and the quantities withdrawn from it, or left in it, will be entered in the "Daily Record".

**96.** A manufacturer may add to his generators, receivers, mix-tubs or distributors, vinegar which has been brought in or produced in his factory, thus increasing his stock in process, provided he notifies the officer in advance so that the quantities may be gauged and tested. The quantities used are to be entered in the "Daily Record" with a suitable notation. This transaction is not to be regarded as a mix, as no alcohol is to be added. After determining the quantity, it is to be run through the mix-tubs or distributors into the generators.

**97.** The following method will be used in computing the production of the factory in any fiscal year, viz:—

The proof gallons of vinegar, if any, on hand in the receivers, mix-tubs and distributors at the beginning of the period, plus

The amount, if any, of proof gallons of vinegar which was brought into the factory during the year and added to the stock in process, plus

An amount of vinegar equal to four times the quantity in proof gallons of spirits used for mix during the year,  
will give the required production, and will be compared with the actual production, that is,

The total amounts of proof gallons of vinegar produced and removed for shipping during the year, plus

Any amounts of proof gallons of vinegar remaining in the receivers, mix-tubs and distributors on the last day of the period.

**98. Penalty:** Under no circumstances may the licensee dispose of or use the finished mix for any purpose other than the manufacture of vinegar on his premises. Misuse of the prepared mix will render the licensee liable to the penalties provided by the Excise Act.

**Excise Act—continued**

**ACETIC ACID**

**99.** The percentage of acetic contained in any vinegar used for mix or produced in any bonded vinegar factory shall be determined by such established chemical tests, applied by such apparatus as may from time to time be directed by regulations or instructions made in that behalf by the department. *Acetic acid must not, under any circumstances, be brought into a bonded vinegar factory.*

**BOOKS TO BE KEPT**

**100.**

*By the Licensee*

Daily Record T.256A

*By the Excise Officer in Charge*

Weigh Book T.252

Diary T. 202

**VINEGAR INSTRUCTIONS**

*Samples*

**101.** Samples of vinegar should be contained in round 4-ounce bottles, securely packed in mailing cases and addressed to the Customs Excise Chemical Laboratory, Bryson Building, Queen St., Ottawa.

**102.** Bottles may be purchased locally on departmental authority but mailing cases will be supplied on requisition.

**103.** The sample is to be taken from any quantity of vinegar prepared for mix after it has been tested by the officer, and is to be divided into two parts. One portion is to be forwarded to the above address, and the other (about 8 ounces) is to be held by the Collector in a safe place until the check-test is reported. In case of breakage or loss of the first sample a second portion will thus be available.

**104.** To each sample a label (Form E.118) in duplicate, duly filled out by the officer, is to be attached (not gummed) with a rubber band to the bottle. Upon completion of the check-test one of these labels filled in to show the result of the check will be returned to the Collector, and the other sent to the Inspector.

**105.** When any discrepancy greater than  $\frac{3}{10}$  c.c. (3 grains) either way is shown by the check-test, the Collector will have the test repeated on the second portion of the sample by the same officer, and sample of this portion with new labels again sent to the laboratory with a view to discovering where the error lies.

**LIST OF MATERIALS AND UTENSILS**

**106.** The following materials and utensils will be supplied to officers in charge of factories upon requisition made to the Chief, Equipment and Supplies Branch, viz:—

(a) 1 clamp stand.

(b) 1 pipette for vinegar sample, graduated to 10 c.c.

(c) 1 burette for soda test solution, graduated to 50 c.c.

(d) 1 glass beaker.



**Excise Act—continued**

- (e) 1 white porcelain saucer.
- (f) 1 bottle phenol-phthalein.
- (g) 1 bottle soda test solution.
- (h) 1 glass rod for stirring mixtures.
- (i) 1 glass, for distilled water.
- (j) 1 bottle normal acid solution.

**Test**

Note.—As some offices are supplied with burettes and pipettes graduated in grains instead of cubic centimetres (c.c.) these instructions will be understood to refer to grains in the proportion of 1 c.c. to 10 grains, wherever c.c. are mentioned. For example, 25 c.c. is held equivalent to 250 grains.

**107.** The pipette (10 c.c.) is to be used for measuring the vinegar. It is filled by suction to a short distance above the mark, closed with the point of the forefinger, and by slightly raising the finger the vinegar is allowed to flow out drop by drop until the mark coincides with the lower edges of the meniscus (curved surface of the liquid)

The contents are now delivered into the beaker glass, and the pipette held for about a minute in a vertical position to drain. The last drop is removed by touching for a moment the surface of the liquid in the beaker.

The pipette is not to be blown through, since this will not only cause it to deliver more than 10 c.c. but will contaminate the vinegar sample with carbonic acid from the breath of the operator, as phenol-phthalein is sensitive to carbonic acid.

**108.** Add to the sample in the beaker from 10 to 20 c.c. of distilled or clear rain water, or even 5 to 10 additional c.c. of water if the vinegar is very strong. The addition of water renders the change of colour less abrupt, and minimizes the chance of error.

**109.** Add to the sample in the beaker 10 drops of phenol-phthalein, stirring it in well with the glass rod.

**110.** The burette is filled to the zero mark with the soda solution, and the float inserted, before being placed in the clamp stand. It is absolutely essential to see that no air bubbles are imprisoned below the clip, also that no drops of soda solution flow down the outside of the burette. The stand is so made that the burette must be vertical, provided that the stand be placed on a level table. The liquid is now allowed to flow out until the mark on the float coincides with zero on the burette.

**111.** The soda solution is now delivered slowly into the vinegar and stirred to secure thorough admixture. The end point is reached abruptly when a single drop changes the solution from colourless to a distinct red-violet colour which remains constant after stirring for a full minute. The burette is now read to tenths of a c.c., and this reading gives the strength of the vinegar in terms of normal soda. On prolonged stirring the red-violet colour will fade out, owing to the fact that phenol-phthalein is sensitive to atmospheric carbonic acid.

**112.** In reading the level of the liquid in the burette, the observer's eye should be on a level with the surface of the liquid, and the bottom of the meniscus is to be read in every case. This will be made easier by holding behind the burette a dark object (black card or black pencil) slightly below

**Excise Act—continued**

the level of the liquid, so that a shadow may be thrown on the undersurface of the curve. Always keep a white saucer or a white sheet of paper under the glasses, and have either a white wall, a white sheet of paper or a white painted board in front of you and behind the sample when comparing colours, and be very careful that no coloured object, such as the cover of a book or varnished wood, can be reflected in the liquid under examination. The above precautions are necessary as a means of correcting any difficulty there may be as to the operator's discrimination of colour.

**113.** To convert the strength of the vinegar from terms of normal soda to terms of proof vinegar, the number of grains of soda solution used should be multiplied by  $\cdot 85$ , the result being the per cent of proof vinegar (that is, vinegar containing 6 per cent of acetic anhydride) in the sample.

**114.** Example—A sample taken from 1,000 standard gallons of vinegar required 17.3 c.c.'s or 173 grains of soda solution to neutralize the contained acid.  $173 \times \cdot 85$  equals 147.05 per cent of proof, or 47.05 overproof; and 1,000 standard gallons at 47.05 o.p. equals 1470.50 proof gallons vinegar.

**115. Re-test.**—A re-test is generally desirable and may be effected by testing another portion of the sample, or, by adding to the sample which has just been tested a second quantity, say 1 c.c. of vinegar which will cause the colour to disappear. Soda solution will then be added till the colour re-appears. Whether the result of the test and re-test are taken separately or combined the results should agree, although it is possible that a less quantity of soda by one drop may be required on the re-test owing to the fact that the red colour was already present when the second addition of vinegar was made.

**116. Normal Acid Solution.**—In case of disagreement it may become necessary to check the soda solution by the normal acid solution. When equal quantities, say 2 c.c., of the standard soda solution are run into 2 c.c. of normal acid solution (to which has been added 10 drops of phenolphthalein) they should exactly neutralize each other. The addition of one drop of soda in excess should produce colour.

**117. Care of Materials and Utensils.**—Collectors, in addition to the officers concerned, are to be held responsible for the care and correct use of all materials and utensils used in testing vinegar, and they are to see that a proper supply of solution is kept on hand so that no inconvenience may occur.

**118.** All testing solutions for officer's use at the factories should be contained in well-stoppered bottles, and must be kept in locked cupboards of which the officer alone has the key, and away from light or excessive heat.

**119.** Borrowing or lending of solutions or utensils between officers and manufacturers is forbidden.

**120.** Glass cocks and stoppers of bottles may be prevented from sticking by smearing them lightly with vaseline.

**121.** Soda solution taken from the bottle must not be returned to it. This is essential, owing to the readiness with which soda takes up atmospheric carbonic acid, thereby becoming weaker.

**Excise Act—continued**

**122.** Officers should habituate themselves to using constant volumes of diluted vinegar and of phenol-phthalein, thereby ensuring a uniform tint with an excess of one drop of soda solution.

**123.** Before using the soda burette (already well washed with water) it is to be rinsed with about 2 to 3 c.c. of the soda solution, and this is to be rejected. The vinegar pipette is likewise to be well rinsed with a proportion of the vinegar submitted for test.

**124.** At the end of each day's work the soda burette and the vinegar pipette are to be washed thoroughly with water and placed in the clamp stand to drain, the clip being removed so as to prevent rapid deterioration of the rubber.

**MALT VINEGAR**

**125.** Malt vinegar may be manufactured only by persons or firms who are licensed to manufacture vinegar from alcohol in bond and the manufacture of malt vinegar is to be carried on in premises contiguous to their licensed premises.

**126.** A licence to manufacture malt vinegar will not be required provided a formula has been submitted and approved by the Deputy Minister.

**127.** The formula herein referred to shall show, in detail, the process of manufacture and the location of the premises in which the manufacture is to be carried on.

**128.** The manufacturer shall furnish a bond of an approved guarantee company in the sum of \$5,000 conditioned for the manufacture of malt vinegar in accordance with the formula and in the premises approved by the Minister.

**CEREAL FOODS**

**129.** A licence shall not be required for the manufacture of cereal foods where a brew is made and the wort used for further processing of the product of the manufacturer provided a formula has been submitted and approved by the Deputy Minister.

**130.** The formula herein referred to shall show, in detail, the process of manufacture and the location of the premises in which the manufacturing is to be carried on.

**131.** The manufacturer shall furnish a bond of an approved guarantee company in the sum of \$5,000 conditioned for the manufacture of cereal foods in accordance with the formula and in the premises approved by the Minister.

**PERFUME MANUFACTURERS**

**132.** While the manufacture of perfumed spirits in bond is primarily intended to cover the manufacture of simple perfumes and toilet waters without other admixture, the practice of including such preparations as hair, scalp, skin, face and hand lotions is recognized, provided that in each there is an undoubted and genuine content of perfume oils, and that the amount of alcohol required to complete the preparation pertains only to the perfumed spirit element and not in any degree to the preserving, dissolving or otherwise perfecting the other elements.



**Excise Act—continued**

**133.** Every perfumed spirit preparation made from unmatured alcohol shall cost not less than \$6 per Imperial gallon. It shall be denatured if the cost of same is less than \$10 per Imperial gallon, by the addition to it of one of the three specified denaturants and in the amounts specified, and it shall also contain not less than one ounce by weight of essential oil for each Imperial gallon of alcohol used, except in certain cases where compounds in whole or in part are used in lieu of such one ounce of essential oil per gallon of alcohol.

**134.** Any preparation commenced but not completed in these three respects shall be placed under Crown lock until the licensee is ready to finish the operation.

**135.** The one ounce of essential oil required to be added to each Imperial gallon of alcohol used, may consist of one oil only, or more than one, but such oils shall be essential or synthetic of the general character of flower odours and commonly used as such, and shall not include spice or flavouring oils such as anise, cloves, cinnamon, peppermint and winter-green. The use of flavouring oils is not forbidden, but the quantity shall be in addition to the amount of essential or synthetic oils herein required. Officers shall use every care to determine the proper nature of all oils used to meet this requirement. In case of doubt, the officer may submit a half-ounce sample to the Deputy Minister and if doubt arises after the preparation has been made, a sample of the denaturant and also one of the finished product will be forwarded to the Deputy Minister for decision. Both the denaturant and the finished product are to be held under Crown lock pending reply.

**136.** No article other than perfumed spirits and no medicinal preparation whether pharmaceutical, pharmacopoeial or proprietary, may be manufactured in a bonded factory licensed to manufacture perfumed spirits.

**137.** No perfumed spirits, the cost of which is less than \$6 per Imperial gallon, may be manufactured in bond from dutiable unmatured alcohol.

**138.** The cost shall represent solely the actual cost to the manufacturer of the alcohol and other ingredients contained in the perfumed spirits, including freight charges and customs and excise duties, but not including the cost of bottles, labels, depreciation or other overhead charges.

**139.** For the purpose of enabling the Officer in Charge to determine the cost of the ingredients entering into the composition of the finished perfumed spirits, every licensed manufacturer is required, upon the request of the said official, to produce all invoices and other necessary data.

**140.** As far as possible the manufacturer should bring oils, etc., into his factory in original containers. When this is not practicable he should exhibit to the officer the original container from which the quantity is to be taken, so that the officer may compare same with the cost invoice. Oils to be used are to be placed under Crown lock.

**141.** The cost of alcohol is to be calculated as follows: To the cost per proof gallon add the excise duty of \$1.50 per proof gallon. The total multiplied by the strength factor, 1.65, will give the combined cost, and duty per Imperial gallon. The freight rate per Imperial gallon may be added to this, and the new total divided by 8.2 will give the cost per pound as required on form E.139.

**Excise Act—continued**

**142.** The cost of perfumed spirits shall be computed as follows, using form E. 139 for the purpose, viz: The total cost of all ingredients divided by the total weight of the same (not including water), multiplied by 8.2 (pounds per gallon). In cases where the alcohol is stronger than 65 o.p., the same gravity factor, 8.2, is to be used.

**143.** The manufacturer shall provide a suitable scale, and all quantities are to be determined by weight and recorded in pounds and ounces.

**144.** No alcohol beyond what is required in the production of the perfumed spirits shall be added because of gums, castor oil or like materials used in the preparation.

**145.** Should any manufacturer propose to add his oils to the alcohol while in the barrel, he may do so, but only on the conditions that the officer has weighed and tested the quantity in the barrel immediately before the mix is made and found the weight and strength correct. This must be done in every instance and with every package so used.

**146.** One copy of Form E. 139 is to be filled out by the licensee and signed by the licensee and officer for each batch of perfumed spirits made. The forms are to be numbered serially and kept on file in the factory.

**147.** No extract or tincture which contains only alcohol and aromatic chemicals (without the required amount of essential oils, and denaturation and without compliance with the cost-minimum, which all go to make up a finished preparation) shall be removed from the factory. These, when made, if not used at once in further manufacture, shall be stored under Crown lock until further required. The vessel containing these extracts or tinctures shall bear a label which shall be made out and signed by the officer, showing the serial number of the form E.139 under which they were made, and the cost price established. When taken for use these "Extracts Returned to Stock" should be noted as such on the E.139.

**148.** "Benzol Acetate," if used alone in the manufacture of any perfume spirit, shall be present in the proportion of at least 2 ounces to each Imperial gallon of 65 o.p. alcohol.

**149.** "Phenol Ethyl Alcohol" and "Terpineol" if used alone in the manufacture of any perfume spirit, shall be present in the proportion of at least 10 ounces to each Imperial gallon of 65 o.p. alcohol.

**150.** When "Fern Oil" or "Synthetic Fern Oil" is used in the manufacture of any perfumed spirits an essential floral oil shall be used in addition to these oils in the proportion of at least one ounce to the Imperial gallon of 65 o.p. alcohol.

**151.** Compounds or blends of two or more oils and other material, without alcohol (herein referred to as "compounds") may be made by the manufacturer under the supervision of the officer.

**152.** Each compound shall, unless used immediately, be stored under Crown lock until further required. The vessel containing the compound shall bear a label made out and signed by the officer, showing the serial number of the Form E.139, the established cost price and the percentage of oil in the compound.

**Excise Act—continued**

**153.** The percentage of oils in the compound being known, it will be necessary to use sufficient of the compound to each gallon of alcohol employed so that the oil equivalent shall be equal to one ounce. If a compound contains 40 per cent of essential oils, then  $2\frac{1}{2}$  ounces of the compound should be used to each gallon of alcohol. Should the manufacturer not wish to use this much, he may use less, but shall bring the oil content of the preparation up to the required amount by adding straight essential oils. That is to say, the alcohol may be denatured to the required percentage by the use of essential oils, compounds, or a combination of oils and compounds.

**154.** When these compounds are taken for use, the E. 139 should show the name of the compound, and the serial number of the E.139 under which it was made.

**155.** Manufacturers will not be permitted to assemble their compounds privately and bring them into the factory at unverified costs and contents.

**156.** All purchased compounds, foreign or domestic, shall be brought into the factory in original containers, and placed under Crown lock until used. If the manufacturer wishes, he may divide a package in the presence of the officer, or transfer the contents to other containers, keeping back any quantity he may desire for other uses, but the portions placed in warehouse shall each bear a label, as in the case of compounds made in the factory. Any quantity of a compound which has been placed under Crown lock may be delivered to the manufacturer on request; they are locked up merely to secure identification.

**157.** With respect to each purchased compound the licensee shall obtain and submit to the Deputy Minister for approval a sworn declaration of the manufacturer showing by his own personal knowledge the exact percentages respectively of essential oils, aromatic chemicals of a floral and non-floral character, and of each named sundry contained in it. The Deputy Minister, in signifying the approval of the use of these purchased compounds, will advise the licensee and Collector as to the percentage of oils contained in each and the officer shall keep copies of these approvals on file at the factory. No purchased compounds may be used before the consent of the Deputy Minister has been obtained, unless independently of its use the required oil content is already guaranteed by the other ingredients used.

**158.** The amount of each purchased compound to be added to each gallon of alcohol employed shall be based on the percentage as per the notification of the Deputy Minister. The manufacturer may use more than one compound in the same preparation if desired.

**159.** The cost of each compound shall be that of the maker's invoice, except that in the case of imported compounds the Customs duty and transportation charges may be included.

**160.** Every perfumed spirit preparation of every kind, costing less than \$10 per Imperial gallon, shall be denatured by the addition of one of the following denaturants in the proportion stated, viz:—



**Excise Act—continued**

For each pound of alcohol used whether the strength be that of absolute alcohol or any lower strength, there shall be well stirred into it not less than,—

- (a) 1 grain of quassin; or
- (b) 110 grains ( $\frac{1}{4}$  ounce) of quinine hydrochloride; or,
- (c)  $87\frac{1}{2}$  grains ( $\frac{1}{2}$  ounce) of diethylphthalate.

These denaturants shall conform to departmental standards.

**161.** All denaturants when brought into the factory are to be placed under Crown lock, and samples submitted to the departmental laboratory for analysis. Denaturants may not be used until approved.

**162.** The officer will place a memorandum on Form E. 139 on the line where denaturants are shown, giving the name of the denaturant employed.

**163.** On each copy of E. 139 employed, the officer shall place a memorandum showing the calculation as to the oil-content, and when compounds are included in the preparation the percentage and amount of oil equivalent of each is to be shown.

**164.** Should a licensed chemical still be used for the recovery of the spirits from pomades or other materials in process, the spirit so reclaimed shall be run into a closed receiver which shall be kept under Crown lock.

**165.** Reclaimed spirit, when produced and the quantity ascertained, shall be debited in the "Duty Paid Account" of T.258 to be kept for this purpose and credited when taken for use.

INSTRUCTIONS REGARDING USE OF SPECIALLY DENATURED ALCOHOL,  
GRADE NO. 1-B, IN BONDED PERFUME FACTORIES.

**166.** Licensed bonded perfume manufacturers desiring to use Specially Denatured Alcohol (S.D.A.G.) No. 1-B, shall submit to the Collector, for transmission to the department, permit Form L.11 (Amended) *in duplicate*, together with the requisite bond, in the form prescribed by the department.

**167.** Specially Denatured Alcohol, Grade No. 1-B, may be purchased under permit from any distiller by any licensed bonded perfume manufacturer.

**168.** It will be received at the bonded factory under the same conditions as unmatured alcohol, except that upon receipt at the bonded factory it is to be placed in the "Duty Paid Storage Room" under Crown lock instead of being re-warehoused on removal in the usual manner, and immediately debited in the "Duty Paid Account" in T.258 and credited when taken for use.

**169.** This alcohol is not to be used in any way or in combination with alcohol in bond or duty paid in the factory. The sole purpose in allowing it to be brought into a bonded factory is that its use may be efficiently supervised.

**170.** S.D.A.G. No. 1-B may only be used by the permit holder in his bonded factory, under supervision of the officer, and only for *bona fide* perfumes and perfumed spirit preparations. Except as stated herein, the same general conditions shall apply to its use, as in the case of alcohol in bond.

**Excise Act—continued**

**171.** No duty is to be collected on this alcohol when used in the manufacture of perfumed spirits in a bonded factory.

**172.** No costs need be furnished. No denaturants need be added.

**173.** Form E. 139 shall be filled out by the licensee and signed by the licensee and officer for each preparation made, showing the name of preparation, date, serial number, name and amount of each ingredient used in addition to the alcohol. The usual conditions as to essential oils are to be observed.

**174.** Officers will refuse to permit the manufacture, with S.D.A.G. No. 1-B, of any preparation which is not a perfume or perfumed spirit preparation, and particularly pharmaceutical preparations, liniments, and rubbing preparations, liquid dentrifices, mouth washes, and internal remedies.

**175.** It will not be permitted to store S.D.A.G. No. 1-B in the same warehouse with alcohol in bond.

**176. Books to be Kept—**

*By the Licensee:*

Cost of Ingredients	E.139
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*By the Excise Officer:*

Pocket Weighing Book	T.254
Record of Spirits	T.258
Diary	T.202

**177.** The quantity of unmatured alcohol brought into the factory and placed in warehouse is to be debited in the "Warehouse Account" of T.258. When ex-warehoused the quantity is to be credited in the "Warehouse Account", debited in the "Duty Paid Account" and credited when taken for use.

**178.** A separate T.258 is to be kept for each type and strength of spirit brought in.

**MANUFACTURERS OF CHEMICAL PRODUCTS, PHARMACEUTICAL PREPARATIONS, PATENT AND PROPRIETARY PREPARATIONS, EXTRACTS AND ESSENCES**

**179.** The admixture of the alcohol with the drugs, chemicals or other materials mentioned on the formula card, used in the production of the articles for which the licence is granted, shall be performed under the personal supervision of the officer in charge.

**180.** When it is desired to manufacture any preparation, the licensee shall record in T.271 the designating number and quantity to be manufactured; also the quantity of alcohol and denaturing materials to be used. and in all cases shall exhibit the card relating thereto to the officer who will thereupon determine the quantity of alcohol, deliver it for use and will see that the alcohol is mixed with the ingredients stated in the formula, placing his initials opposite the entry in the book as evidence that he has seen the said alcohol mixed with such ingredients.

**181.** In the manufacture of preparations where the principal ingredient is a solid or semi-solid substance which requires time to steep or macerate, articles such as vanilla or tonka beans, gums, etc., should be

**Excise Act—continued**

cut or broken up, and when the alcohol is added the vessel containing the mixture shall be placed under Crown lock for a period of at least 48 hours, in order that the alcohol may be denatured by sufficient of the extractive principal of the ingredients. After this period has elapsed the whole may be delivered into possession of the manufacturer.

**182.** When more alcohol is required to complete a preparation previously commenced, the further quantities of alcohol needed may be delivered on condition that the total amount of alcohol used in the original mixture and subsequent additions does not exceed the proportion of alcohol to other materials sanctioned by the formula.

**183.** In this case the entry on T.271 to cover the added amounts of alcohol, shall show the name of the preparation, the date of original mixture and the quantity of alcohol to be added.

**184.** In the manufacture of pharmaceutical preparations, extracts and essences, when the licensee wishes to use a new formula, or to substitute a formula for one which has already been approved, the manufacture under the new formula may be proceeded with, provided formula cards are mailed to the Deputy Minister, and further provided that the amount of alcohol used in the first instance may not exceed five Imperial gallons, and after that no further amount may be manufactured until the authorized formula has been received from the Deputy Minister.

*Emergency Alcohol (Pharmaceutical Factories)*

**185.** Whenever, owing to location of the factory at an excessive distance from the Collector's office, or owing to the nature of the business transacted by the licensee, such as frequent rush orders, the Inspector is satisfied that an emergency condition is likely to occur, he may authorize the officer to release to the manufacturer from the stock of duty paid alcohol a quantity not exceeding two Imperial gallons by weight (16 pounds 6 ounces) for the manufacture and filling of rush orders.

**186.** Emergency alcohol may only be used in the manufacture of pharmaceutical preparations covered by approved formulae, and only when the services of an officer cannot be obtained.

**187.** Officers will continue to regard the said two gallons as part of the balance of duty paid alcohol as shown on T.258 until it is regularly disposed of and accounted for on T.271.

**188.** When the manufacturer requires to use any portion of the two gallons he will make his entry on T.271 as in other cases, and initial it with his own initials in lieu of those of the officer, and place the word "emergency" beside the entry, for checking purposes. Upon the next visit of the officer the amounts so used by the manufacturer will be added in with additional amounts which are used in the officer's presence, and the total is to be carried into T.258 as one amount. The stock may then be replenished, not to exceed two gallons, or, the stock may be renewed when all has been used.

**189.** Any abuse of the above privilege will result in its immediate cancellation. The officer, should any abuse occur, is required to take possession of any balance of emergency alcohol and place it under Crown lock, reporting the circumstances to the Collector.



**Excise Act—continued**

**190.** The officers shall not deliver any quantity of alcohol to the manufacturer for doctor's prescriptions, experimental, surgical, testing or purposes other than those of legitimate manufacture under the terms of the licence.

*Tincture Camphor Compound*

**191.** The quantity of tincture camphor compound (*tincture Opii Camphorata*) which may be supplied to any retail druggist, licensed to carry on business as such, under the statutes of the respective provinces, is limited to eighty (80) ounces per month.

**192.** On or before the tenth day of each month the manufacturer is to forward to the Deputy Minister of National Revenue, Customs and Excise, Ottawa, a return, in detail, showing date of sales made during the preceding calendar month, the name and address of the purchaser and the quantity purchased.

**193.** Form K-71 changed, is to be used for making the return, and is to be signed by the manufacturer. Forms may be obtained from Collectors of Customs and Excise.

*Tincture of Ginger*

**194.** Tincture of ginger may not be manufactured from alcohol in bond unless at least the equivalent of four (4) pounds of ground ginger root are used to each Imperial gallon of 65 o.p. alcohol. (Four pounds of ground ginger root is considered to be equal to 3.2 ounces of oleoresin ginger.)

**195.** Tincture or extract of ginger may not be manufactured for sale except for pharmaceutical and industrial trade. Officers are to refuse the release of alcohol for the manufacture of this preparation for the "Household" extract trade. When submitting formula cards of this preparation for approval, separate cards are to be used showing whether it is intended for use as pharmaceutical or industrial as the quantity used for pharmaceutical purposes is restricted.

*Extracts*

**196.** Vanillin solutions may not be manufactured from alcohol in bond for sale to industrial users, unless and except vanillin is present in the proportion of 16 ounces to each Imperial gallon of 65 o.p. alcohol. Such solutions may be sold to industrial users for manufacturing purposes only and not for resale. They may, however, be further compounded with true vanilla extracts and water or other ingredients and sold as "Household" extracts providing that the alcoholic strength of the finished product does not exceed 57.7 per centum alcohol by volume, that the true vanilla extract is an approved product and is present in the compound to the extent of at least 50 per centum. Coumarin may replace vanillin partly or wholly in the above products but must be present in the same proportions. In all cases these preparations must be covered by departmentally approved formulae.

**197.** Manufacture of solutions containing less than 16 ounces of vanillin or coumarin to each Imperial gallon of 65 o.p. alcohol, but not less than 6 ounces, shall be permitted for use in the further manufacture in bond of approved products but not for sale as such.

**Excise Act—continued**

**198.** Artificial vanilla extracts manufactured for sale as “Household” extracts and made essentially from vanillin or coumarin or both, may not be manufactured from alcohol in bond unless and except such extracts as finished for sale, have an alcoholic content of not more than 25·3 per centum of alcohol by volume (44·2 per centum proof spirits).

**199.** Household flavouring extracts, natural or synthetic, may not be manufactured from alcohol in bond unless such extracts as finished for sale, have an alcoholic content of not more than 57·7 per centum of alcohol by volume (1 o.p.). All formula cards submitted for approval shall show the quantity of denaturing “oils”, “concentrates” and other denaturants, together with the quantities of 65 o.p. alcohol, and water or other non-alcoholic diluents, sufficient to produce essences or extracts of an alcoholic strength as above stated.

**200.** Oils, concentrates, etc., synthetic or natural, used in the manufacture of flavouring extracts subject to these restrictions, shall be placed under Crown lock and delivered to the manufacturer as required for use in accordance with approved formulae.

*Restricted Preparations*

**201.** Owing to the suitability of certain pharmaceutical preparations for beverage purposes, it is found necessary, for protection of the revenue, to limit the quantities which may be manufactured in bond for sale, of the following:—

- Cordiale rubi (blackberry cordial).
- Elixir simplex (simple elixir).
- Elixir aromaticum (aromatic elixir).
- Elixir anisi (anise elixir).
- Elixir aromaticum rubrum (red aromatic elixir).
- Elixir aurantii (elixir of bitter orange).
- Elixir cardamomi (compound elixir of cardamom).
- Elixir glycyrrhizae (elixir of licorice).
- Elixir glycyrrhizae aromatica (aromatic elixir of licorice).
- Elixir of lactated pepsin, including carminative elixir, digestive elixir, and stomachic elixir.
- Elixir taraxaci compositum (compound elixir taraxacum).
- Essence of pepsin.
- Spiritus aetheris (spirit of ether).
- Spiritus chloroformi (spirit of chloroform).
- Spiritus juniperi compositus (compound spirit of juniper).
- Spiritus myrciae compositus (compound spirit of myrcia).
- Spiritus anisi (spirit of anise).
- Tinctura amara (bitter tincture).
- Tinctura aurantii amari (tincture of bitter orange).
- Tinctura aurantii dule (tincture of sweet orange).
- Tinctura aromatica (aromatic tincture).
- Tinctura caramelis (tincture caramel).
- Tinctura cocci (tincture cochineal).
- Tinctura cardamomi composita (compound tincture of cardamom).
- Tinctura gentianae composita (compound tincture of gentian).

**Excise Act—continued**

Tincture lavendulae composita (compound tincture of lavender).

Tinctura pruni virginianae (tincture of wild cherry).

Tinctura persionis (tincture of cudbear).

Vinum aurantii compositum (compound wine of orange).

Vinum pruni virginianae (wine of wild cherry).

Tincture or extract of ginger for pharmaceutical use.

All "Household" flavouring extracts, natural or synthetic and any other preparations at the discretion of the Deputy Minister.

**202.** Before the 1st of December in each year each manufacturer should submit to the Deputy Minister a list showing the formula numbers, names and amounts of each of the above that he will require to manufacture during the currency of the ensuing calendar year for purposes of sale. Amounts which will be required for use in his business and not for purposes of sale should not be included, and these amounts when manufactured, should be entered in T.271 with a notation beside the entry "Not for sale".

**203.** Upon examination of the said lists, the Deputy Minister will issue instructions limiting the quantities to be manufactured, and such limitations may not be exceeded except with written permission of the Deputy Minister.

**204.** The officer in each factory will keep a permanent record of all such restricted preparations, in T.258A, showing under each heading the quantity authorized by the department, the date and quantity manufactured from time to time under such permission and the Folio of T.271 on which the preparation is recorded. Where a restricted preparation is shown as manufactured in the "Record of Materials Used", T.271, a notation is to be made by using a large letter (R) with the number of the page on which the record of manufacture is shown in T.258A.

**205. Books to be kept by Licensees:**

Record of Materials Used	T.271
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**Books to be kept by Officer in Charge:**

Record of Restricted Preparations	T.258A
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Pocket Weighing Book	T.254
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Daily Record	T.258
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Diary	T.202
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**MANUFACTURERS' USE OF WINE SPIRITS FOR TREATMENT OF DOMESTIC WINE**

**206.** Wine spirits, as referred to in these regulations, are spirits distilled from wine produced from native fruits to be used exclusively in the treatment of wine.

**207.** A wine manufacturer operating under a permit issued by any of the provinces of Canada who desires to treat native fruit wine with spirits obtained by the distillation of wine produced from native fruits shall be required to make application for a licence as a bonded manufacturer.

**208.** Supervision is intended to include the attendance of two or more officers at all operations, such as testing the wine to which the spirits are to be added, testing of spirits, warehousing, ex-warehousing of spirits for



**Excise Act—continued**

use, conveying of spirits and other duties requiring the presence of officers. Supervision fees shall be charged for the aggregate number of hours of all the officers in attendance during the month.

**209.** The licensee will be required to provide a bonding warehouse constructed in accordance with Excise regulations for the purpose of storing wine spirits in bond.

**210.** Wine may be shipped to licensed distillers for distillation into wine spirits to be used by bonded manufacturers to treat wine, provided that notice of shipment is given to the Collector of the port in which the distillery is situated.

**211.** Provided permission of the Deputy Minister has been given and tank weigh scales approved by the Inspector of Excise are installed on the licensed premises, removals of wine spirits direct from a licensed distillery may be made by bonded tank truck secured at all inlets and outlets by Crown lock or seal.

**212.** Wine spirits received in tank trucks, if not taken immediately from the weigh scales for use in the bonded factory, shall be stored in tanks secured by Crown lock installed in the bonding warehouse.

**213.** Wine spirits shall not be transferred from barrels or drums to tanks or from tanks to barrels or drums in the warehouse of a licensed winery.

**214.** Delivery of wine spirits ex-warehouse will be made as required for immediate use in quantities of not less than ten standard gallons on "Entry for Consumption Ex-warehouse" Form B.52, at the current rate as set forth in the Schedule to the Excise Act.

**215.** When wine spirits are conveyed either by direct gravity flow or by pump, the conveying pipe lines shall be in clear view throughout their entire course from the warehouse to the tank and it shall be the duty of one officer to remain at the exit of the spirits from the warehouse weigh tank and the other at the entry of the spirits into the tank containing the wine to ensure that all the spirits released have entered the wine tank which shall then be thoroughly plunged in the presence of the officer. To preclude any loss or recovery of the spirits which may have remained in the pipe line, it will be required that sufficient wine be run or pumped through the spirit line immediately after completion of the operation, to prevent the possibility of any quantity of spirits remaining.

**216.** Wine spirits when stored in wooden barrels, in bonded warehouses at the winery may, in the event of a deficiency arising, be subject to an abatement which shall not exceed two-thirds of one percentum for each complete month after the date of original warehousing but no abatement shall be allowed for a period of more than twelve months, and every such abatement shall be made in respect of each specific package and shall in no case exceed the actual deficiency found to exist in the package.

**217.** Wine spirits when stored in metal drums or Crown locked tanks in bonded warehouses, may, in the event of a deficiency arising, be subject to an abatement which shall not exceed one per cent of the quantity originally warehoused in each drum or tank.

**Excise Act—continued**

**218.** Deficiencies within the legal allowance are to be accounted for on Legal Allowance Form B.74. Deficiencies in excess of legal allowance are to be accounted for on Entry Form B.52.

**219.** Wine must be in a tank before wine spirits may be added.

**220.** When the wine to be treated is tested by means of a test still and Sikes' Hydrometer and does not contain more than 23 per cent proof spirit, wine spirits may be added providing the treated wine shall not have an alcoholic content in excess of 31.5 per cent of proof spirit. All tests of wine are to be made by means of a test still and Sikes' Hydrometer at a temperature of 62° Fahrenheit.

**221.** Wineries licensed as bonded manufactories may, upon payment of duty, be permitted to add botanicals to wine spirits. The spirits to which these botanicals are added must be kept under Crown lock and the spirits contained therein must be added to native wine under the supervision of an officer. The resulting mixture may not have an alcoholic content in excess of 31.5 per cent proof spirit.

**222.** Officers will exercise great care in distilling wine and in testing distillate before and after the addition of the wine spirits. Should the spirit content of the treated wine be found to be greater than 31.5 per cent of proof spirit, additional wine must be added to reduce the spirit content to the prescribed percentage. The blending of treated wine with untreated wine of a greater strength than 23 per cent proof spirit will not be permitted except by the written permission of the Deputy Minister for each specific case.

**223.** When wine has been treated with wine spirits, as permitted under these regulations, it must be sold as wine. It will be illegal to label, advertise or sell any such wine as containing spirits or that it resembles spirits or is wine mixed or blended with spirits.

**224.** Should a licensee desire to treat wine with wine spirits for exportation and with the intention of making a claim for refund of the duty paid on the wine spirits contained in the wine to be exported, he may be permitted to do so under the following conditions:—

(a) The wine to be treated must be in a storage tank when wine spirits may be added to bring the finished product to any strength desired by the licensee. The exact quantity of wine and the alcoholic strength must be ascertained by the officer before any wine spirits may be added.

(b) An ex-warehouse for consumption entry will be passed for the wine spirits taken for use.

(c) Upon completion of the treatment, an accurate gauge of the quantity must be made and the alcoholic strength ascertained.

(d) A warehouse entry will be passed for the total quantity of treated wine which must be placed under Crown lock. If the treatment of the wine is not done in accordance with the provisions of Section 220 the wine may not be removed for any other purpose than exportation IN BOND.

This warehouse entry must bear the following memorandum:—

(i) The tank number.

**Excise Act—continued**

- (ii) The standard gallons, alcoholic strength and proof gallons of wine before treatment.
- (iii) The standard gallons, alcoholic strength and proof gallons of wine spirits added.

**225.** The licensee will give due notice to the Collector of his intention to export treated wine. An officer will be required to ascertain the exact quantity of wine exported and the licensee shall pass entries for warehouse and ex-warehouse for export at the time of shipment. The original warehouse entry number must be endorsed thereon for purposes of identification.

**226.** Application for drawback may be made through the Collector, on Form N-13 amended to suit, and with proof of export as required by the Regulations, Circular 327-C as revised. The drawback will be based on the quantity of wine spirits contained in the wine exported, proportionate to the quantity of wine spirits and wine as shown by the original warehousing entry.

**227.** The provisions of sections 220 to 222 of these regulations shall be subject to such written exemption as the Minister of National Revenue may grant upon application to him, in individual cases of undue hardship or other special circumstances.

**228.** Books to be kept by the officer:—

Record of Spirits Taken for Use—T.265.

Pocket Weigh Book—T.254.

**229.** The Excise Officer in charge of the winery where wine is treated for exportation shall keep a diary in which he shall enter:—

- (a) The number of the storage tank in which the wine is warehoused.
- (b) The quantity of wine and its alcoholic strength before the addition of wine spirits.
- (c) The quantity of wine spirits and its alcoholic strength added to the wine.
- (d) The quantity and alcoholic strength of the treated wine placed under Crown lock.
- (e) The quantities of wine drawn from such tank and exported or entered ex-warehouse for consumption.

**7. Consolidated Regulations governing Distilleries and their Products**

P.C. 4397

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of August, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of section 126 of The Excise Act, 1934, is pleased to order as follows:

1. The Consolidated Regulations governing Distilleries and their Products, established by Order in Council P.C. 3160 of 12th August, 1947, as amended, are hereby revoked; and



**Excise Act—continued**

2. The annexed “Consolidated Regulations governing Distilleries and their Products” are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
Clerk of the Privy Council.

*Consolidated Regulations Governing Distilleries and Their Products*

APPLICATIONS FOR LICENCE

1. All original applications for licence are to be made to the Collector of Customs and Excise on Form L.1, *in triplicate*, and are to be accompanied by:

- (a) Complete plans and specifications *in triplicate*;
- (b) Form E.110 *in triplicate*;
- (c) Form E.111 *in triplicate*;
- (d) Form E.114 *in duplicate*.

2. Applications for transfer of licence from one premises to another, within the same port, are to be similarly dealt with except that application Form L.10, *in triplicate*, is to be used.

3. In making application for renewal of licence, where no changes have been made in the licensed premises, only Form L.16, *in triplicate*, will be required.

4. When any changes have been made in the licensed premises, replacing or supplementary plans, *in triplicate*, accompanied by Forms E.146, also *in triplicate*, will be submitted at the time these changes have been completed.

5. All new, replacing or supplementary plans shall clearly show a distinctive colour tracing designating all pipe lines conveying spirits, specially denatured alcohol or denatured alcohol and vessels conveying or containing same. Such pipe lines and vessels used for spirits shall be clearly traced in a vivid RED colour, while specially denatured alcohol and denatured alcohol will similarly be outlined in a bright YELLOW colour.

6. Plans and specifications shall bear the same date as all the accompanying forms and shall be signed by the applicant or his duly authorized agent.

7. The collector shall forward all applications to the interested inspector for examination and approval, who shall, upon approval, submit same to the department for authorization.

8. The Collector will not issue a licence until authorization has been received, the requisite bond, in the form prescribed by the department, deposited with him and the licence fee paid.

9. The licence may be issued and the fee accounted for in the “Excise Duty Cash Book” on or before the 1st of April. After endorsing the application papers, the Collector shall forward one set to the department, deliver one set to the applicant, and file one in his office. The set returned to the applicant should be the one to which Form E.114 is not attached.

**Excise Act—continued****GENERAL**

**10.** "General Warehousing Regulations," Circular 327-C, as revised, shall govern the procedure in respect to warehousing and ex-warehousing of excisable goods in a licensed distillery.

**11.** "Inspector" as referred to in these Regulations shall mean and include the Director of Excise Duty, Assistant Director of Excise Duty or any District Inspector of Excise Duty.

**NOTICES**

**12.** All notices of operations shall be entered in "Notice Book," T.234 or on notice sheets supplied by the distiller and approved by the inspector. All notice sheets are to be held for inspection.

**13.** Notices of mashing shall be entered not later than the hours of five p.m. of the day preceding that upon which the operation is to commence.

**14.** Notices of intention to distil fermented beer shall be entered not later than the hour of five p.m. of the day preceding that upon which any beer is to be withdrawn from the fermenting tun in which contained.

**15.** These notices may for cause and with the knowledge and consent of the Officer in charge be amended.

**16.** These notices are to be given by the distiller and are to be separate and distinct from those otherwise mentioned.

**RAW MATERIALS AND MASHING**

**17.** The weight and quantity of all raw materials brought into a distillery and disposed of, otherwise than for mashing, shall be ascertained by the distiller, and facilities for determining the quantity shall be provided by him. These quantities shall be entered in "Stock Book No. 1", T.222A.

**18.** All raw materials used for mashing are to be weighed under the supervision of an Excise Officer and the quantity taken for mashing shall be credited in "Stock Book No. 1," and debited in the "Record of Mashings."

**19.** When imported molasses is received in bond at a distillery, a certificate, Form E.143, covering the quantity received is to be given by the Officer in Charge to the Collector. Until this certificate is received, the bond under which the transfer from Customs to Excise has been made may not be cancelled.

**20.** Annual stock-taking of grain, molasses, or other raw materials, is to be carried on under the supervision of the Officer in Charge, and shall, as far as possible, be by weight. For this purpose it is advisable that the work be begun in ample time to be completed on the 31st day of March in each year.

**21.** Debit for surpluses and credit for deficiencies in grain and other raw materials as found at stock-taking are to be accounted for by the distiller in "Stock Book No. 1" at the close of the fiscal year or at the close of operations, quoting this circular as authority therefor.

**Excise Act—continued**

**22.** It shall be the duty of the Officer in Charge, each morning upon arrival at the distillery, to check the mashers in process of fermentation with the notices given and the "Record of Mashers," T.208.

CLOSED RECEIVER TESTS AND DISTILLERY STOCK

**23.** The quantity of spirits manufactured in a distillery is to be determined by weighing, the distiller to supply suitable weighing appliances. These are to be so constructed and situated as to meet the approval of the department, and are to be used for closed receiver purposes only. Closed receiver tests are to be taken by two officers, one of whom shall be the Officer in Charge, and in the presence of a representative of the distiller.

**24.** The strength and specific gravity of the spirits tested at the closed spirit receiver shall be determined at a temperature of 62 degrees F., and shall be ascertained by means of the book of tables for Sikes' hydrometer. The sample taken for this purpose is to be raised or lowered to 62 degrees F. The sample so tested is to be drawn from the closed spirit receiver after the spirit contained therein has been thoroughly plunged.

**25.** All tests of spirits made throughout the distillery shall be made as described in the preceding section except as provided for in Sections 126 and 174 herein.

**26.** All spirits in distillery stock, not in actual process of distilling operation, are to be kept under careful Excise supervision and under Crown lock and all such spirits at the end of the fiscal year are to be available for determination of quantity in proof gallons,—therefore spirits in distillery stock may not be held in kettles, stills, condensers, or any processing apparatus other than gauged tanks, or carried in any operation of re-distillation whatsoever, on the 31st of March. A complete record of distillery stock is to be kept by the officer.

**27.** All spirits in distillery stock shall be warehoused on or before the close of the fiscal year when stock is taken by the officer. If a deficiency be found, an abatement not exceeding two per cent may be allowed,—such abatement to be computed on the quantity of proof spirit found at the closed receiver, plus the quantity of proof spirit taken by authority of the department for further processing by actual re-distillation during the year. For the purpose of carrying out the provisions of this section, distillery stock found at the close of the fiscal year may be warehoused by dip in lieu of weight, and all spirit so warehoused shall be ex-warehoused for return to distillery stock within five days of the date of warehousing.

**28.** If, on taking stock at any distillery at the close of operations for any fiscal year, it should be ascertained that a surplus exists, the surplus so found shall be entered to the debit of "Distillery Stock Book No. 2."

**29.** When a deficiency is found to have arisen, credit is to be taken in "Distillery Stock Book No. 2", and accounted for by entry, on Form B.52. This entry shall show the deficiency accounted for "Free by Authority" and the deficiency, if any, upon which duty is payable. Credit shall be taken before the close of the fiscal year.

**30.** If at any time the production in a distillery is less than the standard required by The Excise Act, the Officer in Charge will show this information on the monthly return and also notify the department by letter explaining the circumstances.



**Excise Act—continued****TREATMENT OF SPIRITS AFTER DUTY CHARGE**

**31.** All spirits produced in a distillery or brought into distillery stock must be warehoused and the entries shall indicate the classification as to whether they are:

- (a) Molasses spirit;
- (b) Canadian brandy;
- (c) Wine spirit;
- (d) Gin, or
- (e) for other specified purposes,

and a notation shall be made in the "Officer's Maturing Warehouse Ledger" designating the classification and those spirits which are not entitled to abatement for shrinkage by evaporation.

**32.** The quantity, when entered for warehouse, is to be determined by weighing with suitable appliances supplied by the distiller and approved by the department.

**33.** Spirits testing not less than fifty percentum over proof if sold and delivered in such limited quantities as the Minister may prescribe for the use of any hospital, university, educational institution, or persons engaged in scientific research or industrial enterprise; or to a licensed druggist as defined by The Excise Act, shall be warehoused in Maturing Warehouse. All packages containing such spirits shall have the word "Unmatured" on both ends of the package in letters not less than one inch in height and in a colour different from that used in the other marks on the package.

**34.** Similarly, entries for these spirits shall have endorsed across the face the word "Unmatured". Entries for licensed druggists shall also bear the words "Licensed Druggist". When ex-warehoused for duty, these unmatured spirits shall be debited in "Duty-Paid Warehouse Ledger", and credited when shipped.

**35.** When alcohol is shipped by distillers to persons and organizations mentioned in Section 33 and which are located in a port other than that in which the distillery is situated, it is to be consigned on a bill of lading made to the order of the Collector at destination, the bill of lading to be delivered by the distillers to the Collector of the port of shipment for transmission, by mail, to the Collector of the receiving port.

**36.** The licensee (Distillery or Excise Bonding Warehouse) will prepare and forward to the department on the first day of each month a return, on Form K.75, covering all shipments of spirits to licensed druggists. This return will include the following details: name and address of licensed druggist; registered number of his licence; date of each shipment; quantity (in standard gallons); strength, and the number of proof gallons.

**37.** No bulk spirits may be ex-warehoused for consumption at a distillery except from Maturing Warehouse.

**38.** Not less than five standard gallons of spirits shall be warehoused or ex-warehoused by one entry, except,—

- (a) for export,
- (b) for ships' stores,

and spirits shall be warehoused or ex-warehoused in complete packages only.

**Excise Act—continued**

**39.** Spirits may be shipped in bond in railway tank cars; in tank trucks, the property of the licensee; or in tank trucks, the property of persons or firms acceptable to the department and who have deposited the bond of a guarantee company, approved of by the Minister, in an amount of not less than Ten Thousand Dollars.

**40.** Spirits, when so shipped, are to be secured by Crown lock or Crown seal, both at the outlet and the inlet of the tank, and shall be distinctly marked to the satisfaction of the Officer in Charge of the distillery as follows:

- (a) the bond and package number;
- (b) the month and year of the original warehouse, and
- (c) net weight, in pounds.

**FUSEL OIL**

**41.** Fusel oil is defined by these regulations as an oil or refuse containing not more than 25 per cent of proof spirits. If the fusel oil contains more than 25 per cent of proof spirits, its removal as fusel oil will not be permitted and it is to be treated as spirits.

**42.** The department recognizes that fusel oil is produced in some distilleries during the combined primary distillation and rectifying process and does not appear as a charge against the production. In this case, when it is emptied from the fusel oil receivers, it should be weighed, tested and entered in the "Record of Closed Receiver Tests", T.249.

**43.** Credits may not be taken for fusel oil or other deleterious materials extracted from spirits unless the following regulations have been complied with:—

- (a) A vessel or vessels for fusel oil receivers shall be provided by the distiller, of such form and capacity as the department may require and direct, into which the ingredients referred to shall be conducted and in which they shall remain until released. These fusel oil receivers shall comply in all other respects with the conditions that apply to closed spirit receivers.
- (b) The fusel oil receivers shall be opened by the Officer in Charge in the presence of an assistant. The water and deleterious ingredients may be drawn off and destroyed in the presence of these officers. The fusel oil must be well mixed and the quantity in proof gallons shall be determined by test with Sikes' hydrometer.
- (c) The fusel oil shall be placed immediately in a Crown locked compartment and the quantity, in proof gallons, shall be entered in the "Record of Mashies", T.208, and shown in the monthly return. The Officer in Charge shall certify that he has determined the quantity by placing his signature in the "Record of Mashies".
- (d) A representative sample shall then be taken and forwarded to the department for analysis. This sample should be addressed to "The Chief, Customs-Excise Chemical Laboratory, Bryson Building, Queen Street, Ottawa", and a covering letter shall be forwarded to the department.
- (e) When departmental approval of the analysed sample has been received, the distiller may then take credit in "Distillery Stock Book No. 2" for the quantity, in proof gallons, of fusel oil as ascertained by the officers and as shown in the records, quoting this circular as authority.

**Excise Act—continued**

- (f) After credit has been taken, the fusel oil may be released for removal from the licensed premises and may be disposed of by the distiller without further restriction.
- (g) A record shall be kept by the Officer in Charge, in Book T.259, as indicated therein.
- (h) Barrels containing fusel oil shall bear the following markings:—
  - (1) On one end of the barrel, the name and address of the licensee and the words “FUSEL OIL” in letters not less than two inches in height.
  - (2) On the other end of the barrel,—
    - (i) the sample number;
    - (ii) the gross, tare and net, in pounds;
    - (iii) the number of gallons;
    - (iv) the package number.

**UNMATURED SPIRITS**

44. Unmatured spirits may be removed from a distillery IN BOND to the following parties exclusively:—

- (a) another licensed distiller;
- (b) a “licensed manufacturer in bond”;
- (c) a bonding warehouse licensed to receive same;
- (d) the Department of National Revenue.

45. All packages containing such spirits shall have the word “unmatured” printed on both ends of the package in letters not less than two inches in height and three-quarters of an inch wide, and in a colour different from that used in the other marks on the package.

46. Unmatured spirits ex-warehoused for duty in a bonded factory may, upon the permission of the inspector or the department, be returned to the distillery from which obtained, and an equivalent number of proof gallons may be shipped by the distiller to the licensed bonded manufacturer, provided the following conditions are fully complied with:—

- (a) Before being removed from the bonded factory, the spirits are to be weighed and tested by an officer of Excise;
- (b) A bond for a sum equal to twice the rate of duty per proof gallon at which the spirits were originally warehoused shall be given by the shipper;
- (c) The Collector at the shipping port shall notify the Collector at the port in which the distillery is situated as to the number of proof gallons contained in the shipment and that the spirits are for exchange;
- (d) The spirits on arrival at the distillery shall be reweighed and tested and if the deficiency is one-half of one per cent or greater, the Collector of the shipping port shall be notified, and duty at the rate of the difference between the rate already paid and the rate per proof gallon at which the spirits were originally warehoused shall be collected from the bonded manufacturer;
- (e) The substituted spirits being returned from the distillery to the bonded factory shall be similarly dealt with,—the distiller being liable for any deficiency if in excess as stated in the preceding clause;



**Excise Act—continued**

- (f) The bill of lading shall, in each case, be made to the order of the Collector of Customs and Excise of the receiving port;
- (g) "Distillery Stock Book No. 2" shall be charged with the quantity received and credited with the equivalent quantity shipped, quoting this circular number as authority for the transaction;
- (h) No other entries are required.

47. No duty-paid unmatured spirits, except as provided for in the preceding section, shall be received into stock at any licensed distillery without the consent of the department having first been obtained in writing.

**MANUFACTURE OF ABSOLUTE OR ANHYDROUS ALCOHOL**

48. If anhydrous alcohol is manufactured in other than process stock, the quantity taken for dehydration is to be entered "For Warehouse".

49. When manufactured in warehouse, a memo credit entry "For Dehydration by Re-distillation" is to be passed, on Form B.74, for the quantity so taken and is to be designated by a local number only. No copy of this entry is to be sent to the department.

50. A corresponding credit book entry will be made by the officer in T.232B, *in red ink*, with the information "Taken for Dehydration".

51. A local memo debit entry, on Form B.74, "For Re-Warehouse on Account of Dehydration" is to be passed and debited, *in red ink*, accordingly, in T.232B, for the quantity found after re-distillation.

52. On the first day of the month next succeeding that on which the manufacture of absolute alcohol has been completed, the distiller may make application, on Form N.21, in triplicate, for authority to pass a free entry for the quantity, in proof gallons, of deficiency which arose in the production of dehydrated alcohol.

53. The application is to contain the joint certificate of the Officer in Charge and his assistant, showing:—date; quantity of alcohol taken for dehydration (in standard gallons); strength; proof gallons; the quantity of dehydrated alcohol produced and the deficiency; together with the percentage of the deficiency arising on such quantity taken for dehydration.

54. This form is to be forwarded, through the Collector, to the department and when the department authorizes the deficiency to be written off, a free entry "Deficiency on Dehydration" will be passed, after which credit may be taken in the respective books. This latter shall be departmental, on Form B.74.

**DENATURED AND SPECIALLY DENATURED ALCOHOL**

55. Circular, No. 488-C, as revised, and supplements thereto, describes the various grades of specially denatured alcohol and denatured alcohol, the manufacture and sale of which, by licensed distillers, has been approved. The same circular sets forth the composition of each of the grades and limits their uses. The grades referred to as "SDAG No. 1" represent specially denatured alcohol, the sale of which is restricted to persons or firms holding departmental permits, while those referred to as "DAG No. 2" represent denatured alcohol, which may be sold without restriction.

**Excise Act—continued**

**56.** On the 10th, 20th and last day of each month, the quantity of spirits taken for denaturing during the month must be warehoused and ex-warehoused, on Entry B.52, upon the face of which is to be conspicuously endorsed the words "Free—for Denaturing Purposes", "Maturing Warehouse Account", T.222.F, will then be credited, and "Officer's Record of Denaturing," T.273A, and "Distiller's Record of Denaturing," T.274A, debited accordingly. Monthly return, Form K.64 Amended, shall be submitted by the distiller at the end of each month.

**57.** Denaturants when received in a distillery are to be placed immediately in the warehouse reserved for that purpose and secured under Crown lock. A sample of each lot and of each kind of denaturant is, upon receipt, to be selected by the officer and sent to the department for analysis. Each sample shall have a label affixed thereto showing the kind of denaturant, name and address of the distiller, date of shipment, signature of the Officer in Charge, and also a serial number which shall begin with "Number 1" in each fiscal year. The denaturant is not to be used until the Officer in Charge is advised with regard to departmental approval.

**58.** Samples are to be addressed to "The Chief, Customs-Excise Chemical Laboratory, Bryson Building, Queen Street, Ottawa," and a letter relating thereto is to be forwarded to the department.

**59.** Separate tanks are to be provided for the respective mixes of denatured alcohol and specially denatured alcohol, and each mix is to be supervised by two officers, who will check the accuracy of the proportions of the ingredients entering into same. Each transaction is to be recorded in the "Officer's Record of Denaturing," T.273A, and signed by the two officers who supervised the mix.

**60.** In distilleries where mix tanks or tank cars are employed, both denaturants and spirits shall be run into the tank simultaneously.

**61.** When spirit is denatured in drums, the denaturants are first to be run into the drums and the spirits added thereafter.

**62.** When the spirit is introduced, in order to ensure a thorough admixture of the denaturants and the spirit, the contents of the mix tank are to be plunged or otherwise agitated, for a time sufficiently long, in the opinion of the Officer in Charge, to effect a complete assimilation of denaturants and spirit.

**63.** As the alcohol is delivered "free of duty" for denaturing purposes, it is essential that the greatest accuracy be observed in computing the proportions of denaturants to be used in accordance with the authorized formulae.

**64.** The quantity of all spirits entered ex-warehouse free for denaturing purposes is to be determined by two officers. If the distillers desire to substitute an alcohol stronger than 65 O.P., this may be permitted upon condition that the proportion of the denaturant, or denaturants, is increased correspondingly to the increase in strength of the alcohol and provided that as respects specially denatured alcohol Grades No. 1-D and No. 1-F the strength of the alcohol used may not be varied from 65 O.P.

**65.** In order to provide for the proper admixture of the denaturants when manufacturing specially denatured alcohol, Grade No. 1-D, the supervising officers are to require that not less than  $1\frac{1}{2}$  pounds of water shall

**Excise Act—continued**

be added to each  $2\frac{1}{2}$  pounds of potassium iodide, B.P., before admixture with the ethyl alcohol, in order that the former may remain permanently in solution. It is also to be required that after the re-sublimed iodine and the potassium iodide have been added to the alcohol the mixture is to be thoroughly plunged before being drawn off into the packages for shipment. These operations are to be performed under official supervision.

**66.** SDAG No. 1-F may be filtered through cloth or filter paper. This product may not be decolourized or clarified nor may any other material be added.

**67.** A compartment for the storage, under Crown lock, of SDAG No. 1 shall be supplied, constructed and secured in the manner defined by Circular 327-C, as revised.

**68.** No article other than specially denatured alcohol may be stored therein.

**69.** Specially denatured alcohol may be released upon receipt of orders from persons or firms holding permits to have same in possession and use, or upon special permission from the department.

**70.** The orders just referred to shall be presented to the Excise Officer in Charge who will examine the list of permit-holders to ensure that the purchasers are entitled to receive the particular grade under order.

**71.** Specially denatured alcohol when shipped to a licensed bonded warehouse in another port shall be consigned on an Order Bill of Lading to the order of the Collector at destination.

**72.** Warehouse and ex-warehouse (either removal or transfer) entries shall be passed by the consignor. The receiving warehouse will pass a warehouse entry bearing a local number, and the goods, other than Grade No. 1-B, shall be released by means of a delivery order, on Form C.53. These entries need only show the standard gallons.

**73.** When shipment of the various grades of specially denatured alcohol, except Grade No. 1-B, is being made to a permit-holder, located in a port other than that in which the distillery is situated, no entry papers are required, but the goods are to be consigned on a bill of lading made to the order of the Collector at destination, the bill of lading being delivered by the distiller to the Collector of the port of shipment for transmission to the Collector of the receiving port.

**74.** When shipment of the various grades of specially denatured alcohol, except Grade 1-B, is being made to a permit-holder located within the port, no entry papers or bill of lading will be required.

**75.** Shipment of specially denatured or denatured alcohol may be made by a distiller in drums containing not more than one hundred standard gallons each. On one head of each drum there shall, at all times, be legibly cut or branded or painted in oil colours the name of the distiller, and on the other head, the gross, tare and net weight of the package; the quantity in standard gallons; and when denatured in whole or in part by wood alcohol, the packages shall be labelled with the words "Methyl-Hydrate-Poison" in black letters not less than one-half of an inch in height, on a white ground.



**Excise Act—continued**

**76.** Drums containing specially denatured alcohol (SDAG No. 1-B) shall be distinctly stencilled in red coloured oil letters, with the words "Specially Denatured Alcohol, Grade No. 1-B", and the usual marks and numbers required for unmatured spirits removed to a bonded factory. This spirit is to be stored under Crown lock at the distillery and distillery bonding warehouses throughout the Dominion and all shipments shall be made in bond, under provisions governing removal of spirits in bond, from the distilleries and distillery bonding warehouses—the bond to be cancelled only upon advice from the Officer in Charge of the bonded factory who shall endorse on the face of the B.53 entry, the words "Received and placed in duty-paid storage room".

**77.** Drums containing grades of specially denatured alcohol, other than SDAG No. 1-B, shall be stencilled in coloured oil letters distinct from the base, with the words "SDAG No. 1....." and with the usual marks and numbers, except that the gravity of the denatured spirits shall be stencilled thereon in lieu of the strength.

**78.** The department may further permit the shipment of denatured alcohol to recognized *bona fide* large users of or dealers in this commodity in tank cars and tank trucks. The tank in which the shipment is made will bear on its side, in oil paint, the mix number and the number of standard gallons and shall have affixed thereto a label bearing the words "Methyl-Hydrate-Poison" in black letters, not less than one inch in height on a white ground.

**79.** No such shipments shall be made, however, until the name of the consignee has been submitted to the department. The department will be the sole judge of the volume of business of any person or company asking for the privilege of receiving denatured alcohol in tank cars. To those persons or companies only whose transactions are considered to be sufficiently large to warrant receiving the commodity in tank cars will the privilege be granted.

**80.** Distillers supplying specially denatured alcohol, SDAG No. 1-F, shall forward to the department, on or before the fifth day of each month, a report, on Form K.76, showing: dates of all shipments; mix numbers; package numbers; name and address of consignees; permit numbers; number of standard gallons, and quantity in fluid ounces. Standard gallons are convertible into fluid ounces by multiplying by 160. If no shipments have been made, the report should contain a statement to that effect. Such report shall be certified correct by the Officer in Charge of the distillery and mailed direct to the department.

**81.** Upon issue of new permits to applicants, or upon cancellation of existing permits, distillers and officers in charge of distilleries are required to exercise care in revision of the existing list, in accordance with the notices received from time to time.

**82.** Official supervision shall be exercised over the removal of specially denatured and denatured alcohol from the distillery premises.

**83.** When shipments of denatured alcohol are made to another distillery, a statement is to be furnished to the Officer in Charge of the receiving distillery, showing in detail: date of shipment; number of packages; description and quantity, in standard gallons, and also the name of the distillery from which forwarded.

**Excise Act—continued**

**84.** A record is to be kept by the Officer in Charge, in T.273A and B, and by the distiller, in T.274A and B, of all denaturants, production and disposals, as indicated in these records. A monthly return, *in triplicate*, on Form K.64 Amended, is to be completed at the close of each month's transactions.

**DOMESTIC WINES AND WINE SPIRITS**

**85.** Domestic wine may be received at a distillery from a registered wine manufacturer. The quantity brought in is to be determined by weight and recorded in "Stock Book No. 1" (T.222A). The alcoholic value of the wine is to be ascertained by use of the test still. The quantity in proof gallons is also to be recorded *in red ink* and credited accordingly when taken for distillation.

**86.** The credit entry in "Stock Book No. 1" shall be similarly entered to the debit of the "Distiller's Record of Mashies", T.208, in pounds and proof gallons, *in black and red ink respectively*.

**87.** When the distiller gives notice of his intention to distil domestic wine, all stills and rectifying apparatus are to be completely emptied and all distillery stock is to be placed under Crown lock.

**88.** When the wine has been distilled, the resultant quantity of spirits produced is to be determined and recorded as in the case of other spirit and is to be warehoused in accordance with departmental regulations.

**89.** If the quantity, in proof spirits, determined at the closed spirit receiver be less than 97 per cent of the quantity ascertained by the test still of the wine taken for distillation and recorded in T.208, the facts should be reported to the department.

**90.** All such spirits are to be warehoused at the current rate of duty as provided for in the Schedule to The Excise Act. These spirits are to be stored separate and distinct from any other spirits and the packages containing same are to be legibly marked with the words "Wine spirit". When same are removed to the bonding warehouse at the winery, they shall be subject to the current rate of duty above referred to and shall not, while in any bonding warehouse, be classified as Canadian brandy.

**91.** The Excise Act requirement that certain spirits must remain in warehouse at least two years will not be applicable to spirits manufactured from domestic wine when the spirits are to be used for the treatment of wine by a licensed manufacturer in bond—wine.

**92.** Wine spirits may not be removed in bond to a wine manufacturer except when licensed as a manufacturer in bond—wine.

**TREATMENT OF SPIRITS IN MATURING WAREHOUSE AND  
ADJUSTMENT OF DEFICIENCIES**

**93.** When transferring spirits at distilleries from barrels and tanks to other packages for the purpose of vatting, or blending, or racking, or reducing, or rewarehousing, the quantity is to be accurately ascertained to determine whether any deficiency has arisen thereon during the time the spirits have remained in warehouse.

**Excise Act—continued**

**94.** This deficiency having been determined, the legal allowance will be computed for the unbroken monthly period nearest to the date of warehousing or rewarehousing. An unbroken monthly period shall mean one or more even months dating from the time of the original warehousing or rewarehousing.

**95.** The deficiency determined, if within the legal allowance, shall be covered by a free entry, but duty shall be paid on any deficiency in excess.

**96.** Except as provided for in the following section, blended spirits, when rewarehoused, shall bear the date of the most recently warehoused portion thereof, which date must be that marked upon the packages, and for all purposes other than for the determination of the maturing allowance, spirits so blended shall be deemed to have been in warehouse only from such date.

**97.** (a) Spirits may be flavoured by the addition of wine or other domestic or imported spirits which meet the requirements of Section 155 of The Excise Act in regard to entry for consumption, without affecting the date of original warehousing of the former, provided that the quantity used for flavouring purposes does not exceed ten per cent in proof gallons of the quantity of spirits to which the flavouring is added.

(b) New spirits may be used as flavouring provided the resultant blend is not entered for consumption until the flavouring therein meets the requirements of The Excise Act in regard to entry for consumption. A notation shall be made in the "Officer's Maturing Warehouse Ledger" showing particulars of the added flavouring.

**98.** When blended spirits are removed from one distillery to another, the face of the removal entry is to bear a statement showing the proportions of the respective flavouring spirits, (domestic or imported), contained in the blend.

**99.** The final adjustment in respect of the legal allowance for maturing shall take place on or before a period of five years after the oldest portion thereof has been in warehouse for the full period for which legal abatement is allowed in accordance with The Excise Act.

**100.** In no case shall the time in warehouse, without being finally adjusted, exceed by more than five years the period provided by The Excise Act, for abatement. The period referred to shall date from the original warehousing of the spirits. When two or more spirits have been blended, the period shall date from the original warehousing of the oldest spirits contained in the blend.

**101.** Notwithstanding anything in the two preceding sections, distillers will be permitted to blend a quantity of older spirits not exceeding ten per cent in proof gallons of the quantity of spirits to which the older spirits are added without affecting the period from which the allowance for loss while maturing will be calculated.

**102.** Each package thus finally adjusted shall be conspicuously marked on the head bearing the Excise marks, with the letters "F.A." at least two inches in height. These letters will indicate that the spirits contained in the package have been adjusted to the full period of legal allowance and that thereafter no further allowance for maturing may be made. The



**Excise Act—continued**

spirits may then, at the option of the distillers, be returned to warehouse. When afterwards ex-warehoused, if for removal in bond, adjustment shall be made of weight, gallons, and strength, and any deficiency found shall be accounted for by duty-paid entry, on Form B.52.

**103.** Provision is made for an abatement of duty not exceeding one per cent on the deficiencies arising in the process of vatting, or blending, or racking, or reducing. The duty on any quantity of spirits in excess of the said abatements of one per cent shall be due and payable at the time the deficiency is determined.

**104.** At the time of determining the above deficiencies, a free entry covering the amount of abatement of duty, not exceeding one per cent as above, shall be passed.

**105.** Should the quantity deficient exceed one per cent the duty on such excess shall be covered by a duty-paid entry.

**106.** A licensed distiller shall not be permitted to subject wooden casks or barrels to any process for the purpose of extracting any spirits absorbed in the wood.

**107.** When foreign spirits are brought into a distillery for maturing or blending purposes, the date of manufacture shall be deemed to be the date when warehoused at the distillery, excepting as provided in Sections 97, 170 and 171 of these regulations.

**108.** An abatement for wood absorption, not exceeding three per centum of the quantity originally warehoused in barrels, shall be allowed in addition to the regular legal allowance on spirits which have been continuously in warehouse for not less than two years, such abatement to be given only when spirits are first adjusted for legal allowance in wooden barrels and not on spirits which have been rewarehoused after adjustment has once been made for shrinkage by evaporation while maturing.

Provided, however, that when spirits are originally warehoused in tanks, adjusted and rewarehoused in wooden barrels, the abatement will be allowed on these barrels when dumped and adjusted but not thereafter.

**109.** The following description of ventilator to be used with metal tanks for the maturing of spirits in distilleries, as required by The Excise Act, has been and is hereby approved:

The ventilating pipe is to be four inches in diameter, with a cap for the same six and one-quarter inches in diameter and two inches deep. The said four-inch pipe is to be projected not less than two inches above the top of the manhole of the tank. The cap is to project below the top of the inner pipe, one inch, and the space between the top of the inner pipe and the inside of the cap is to be not less than one inch. The cap is to be secured to the inner pipe by three lugs which shall not be more than five-eighths of an inch broad and shall be riveted to both parts.

The flange on the bottom of the inner pipe is to be turned over not less than seven-eighths of an inch and to be fastened to the under side of the cover of the manhole. A disc eight inches in diameter, concaved one inch, is to be secured with three lugs, each five-eighths of an inch wide, securely suspended not less than one inch clear of the manhole cover and directly under the four-inch pipe.

**Excise Act—continued****SPIRITS TAKEN FOR REDUCING, REMOVAL, ETC.**

**110.** When a distiller wishes to have access to spirits which have been placed in warehouse, for the purpose of changing the strength, or for putting them into other packages, he will give to the Officer in Charge written notice, stating the marks and numbers of packages to be treated, for what purpose access is desired and the approximate quantity in proof gallons.

**111.** The expression “for reducing” as used in these regulations means the action of changing spirits in bonding warehouse from one package or container to another package or container with or without any alteration in strength, and spirits “on reducing” means those under treatment and for which a rewarehouse entry has not been made.

**112.** The officer will ascertain the quantity contained in the respective packages by weighing and testing the spirits, and if a deficiency has occurred while they have been in warehouse, the legal allowance for maturing will be calculated and shown in “Record of Legal Allowance Computation”, Book T.251, or on form sheets approved by the inspector. An entry for “Maturing Warehouse Transactions”, Form B.74, will be completed in accordance with the instructions contained on the reverse side of this form. The disposition of these spirits will be shown on the bottom of Form B.74, as indicated by these instructions.

**113.** The quantities shown as taken “for reducing” and “for rewarehouse” do not affect the balance against the warehouse; therefore, these transactions are to be shown *in red ink* in the individual account or accounts affected in the “Distillery Officer’s Maturing Warehouse Ledger”, T.232B. If packages are affected, these will be a debit or a credit, as the case may be, and be shown in the officer’s records. The entire transaction, as it affects the warehouse balance, shall be entered in “Distiller’s Maturing Warehouse Account”, T.222F.

**114.** Any excess deficiencies occurring in the above transactions shall also be accounted for by “Entry for Consumption”, Form B.52, and duty shall be collected thereon.

**115.** Spirits, whether in barrels, drums or tanks, may not be left “on reducing” in the warehouse for more than sixty consecutive days.

**116.** The packages in which spirits are rewarehoused will be marked with the date of the original warehousing as a guarantee of age, and also with the letter “R” (not less than two inches in height) and the date of rewarehousing; for example, “R 4-45” would signify that the packages were rewarehoused in the month of April, 1945; that the legal allowance up to that date had been adjusted and a credit entry passed.

**117.** If a blend, the date of the original warehousing of the oldest spirit of the blend will be similarly marked on the packages, with the month and year of original warehousing of the oldest spirit in the blend preceded by the letter “O”—thus “O 8-41” would indicate that the spirit was originally warehoused in August, 1941.

**118.** These marks “R 4-45” and “O 8-41” may be removed, if the distiller so desires, when the spirit is entered for consumption or removed in bond to a warehouse which is not part of another distillery.

**Excise Act—continued**

**119.** In order to keep the packages correct in warehouse accounts, the number of packages taken for treatment should be credited and the number of packages in which spirits have been placed after treatment should be debited *in black ink* and the necessary deductions or additions made to show the correct balance.

**120.** Distillers may remove to another licensed distiller spirits which have been in maturing warehouse for a period less than the full term provided by law. The age of the spirits shall be computed from the date when originally warehoused. Spirits when shipped from one licensed distiller to another, before the full legal period of maturing has elapsed, shall be weighed and tested when ex-warehoused for removal and the deficiency within the legal allowance covered by a free entry. Duty must be paid on that in excess of the legal allowance for the period while in warehouse. These spirits, when received at the distillery to which consigned, shall be dealt with as hereinbefore set forth.

**121.** When spirits are removed in bond from one licensed distillery to another, it shall be distinctly stated on the removal entry that they are to be removed to.....Licensed Distiller. A memo shall be written across the face of each removal entry stating the date (day, month and year) of the oldest spirit contained in each bond, and also the type of spirit.

**122.** If spirits are removed in bond, in casks, from a distillery to a licensed bonding warehouse, the department will not recognize their age after the date of ex-warehouse from the distillery.

**123.** All further deficiencies arising on spirits in maturing warehouse, after the full period of maturing provided by law, shall be dealt with at the distillery where ex-warehoused.

**124.** In the case of a surplus found, either on removal or in any department of the distillery, it is to be charged to the account where same has arisen, that is—if found in maturing warehouse, surplus will be charged to maturing warehouse only, and a supplementary entry is to be passed therefor—referring to the original warehousing entry.

**125.** Duty is to be paid on all spirits which enter into consumption and Officers in Charge will be expected to observe a strict application of the law in this regard.

**126.** The strength of spirits blended with flavouring syrups, wines, etc., which would conceal the accurate strength shown by Sikes' hydrometer, is to be ascertained by distillation with the test still, the sample of the blend being brought to a standard temperature of 62 degrees F.

**127.** As the alcoholic strength so obtained bears no relation to the specific gravity of the spirit, the result of the test should not be used for ascertaining the weight per gallon.

**128.** The accepted weight per gallon shall be obtained by taking a hydrometer reading of the finished blended spirits and referring to the specific gravity section of the hydrometer tables, or if necessary, Bates' saccharometer. Spirits for these tests are to be tested at a temperature of 62 degrees F.—and at 60 degrees F. for the saccharometer.

**129.** All spirits removed in tank cars shall be weighed in a tank scale at the shipping distillery and again in a similar manner before being warehoused at the receiving distillery.



**Excise Act—continued****DEFICIENCY OR SURPLUS ON REMOVAL, EXPORT, ETC.,  
IN BOND**

**130.** If the discrepancy be less than one-half of one per cent the quantity alleged to have been removed is to be rewarehoused, but if such discrepancy is in excess of that proportion, an entry for warehouse is to be made for the quantity actually received. This applies only to bulk goods. If the spirits be bottled, the shortage of even one case of such bottled goods, notwithstanding that it be less than one-half of one per cent of the quantity removed, shall be treated as a deficiency upon which duty shall be paid.

**131.** Whenever the quantity warehoused differs from the quantity stated in the removal entry, a detailed statement is to be made *in duplicate*, on Form E.112, showing the deficiency or surplus in each package, one copy of the statement to be transmitted to the department and the other to the Collector of the port from which the spirits were removed.

**132.** If such aggregate discrepancy represents a deficiency, the Collector of the port from which the spirits were removed shall cause the consignor to pass an entry "Ex-Warehouse for Consumption", for the quantity so deficient and collect the duty thereon. The Collector shall also direct the department's attention to the special nature of such entry by writing across the face of it the words "to account for deficiency on Removal Entry No.....". This entry shall bear the entry number of the port as an entirely separate transaction.

**133.** As the entry "Ex-Warehouse for Consumption", dealt with in the preceding section, will be a second credit, the account will be charged with the same amount on a warehouse entry, having endorsed across the face thereof the words "to account for deficiency on Removal Entry No...." in order that the correct balance be maintained.

**134.** If the discrepancy represents a surplus, two entries shall be passed by the consignor, one "For Warehouse" and the other "Ex-Warehouse for Removal". There shall be written across the face of each entry the words "Supplementary to Entry No.....", inserting in each case respectively the number of the entry ascertained to have been inaccurately made. These entries will also receive the port entry numbers.

**135.** The entries in the warehouse ledgers of the shipping port are to be made from these entry papers in the usual way.

**SPIRIT PERMITS**

**136.** Permit Form T.204 shall accompany all spirits ex-warehoused for shipment; all specially denatured alcohol shipped to licensed bonded warehouses, and specially denatured alcohol Grade 1-B shipped to licensed bonded manufacturers, and where it is required by provincial regulations, a liquor control board or commission permit shall also be attached to the T.204.

**137.** Permits for the removal of spirits from any distillery, or from any warehouse wherein they have been bonded or stored, may be granted by the Collector or Excise Officer in Charge on application of the owner of such spirits or of his duly authorized agent.

**Excise Act—continued**

**138.** Every application for a permit shall be made on a printed form, E.106, provided by the department and shall be signed by the person making it.

**139.** Officers issuing these permits will fill in their own consecutive local number and this number will also be shown on the corresponding "Requisition for Permit", Form E.106, which will be filed and held for the same period as entry papers before being destroyed.

**140.** Every permit granted shall be on the printed forms supplied by the department and shall be printed on paper especially prepared for the purpose with such type or engraving as may be approved by the department.

**141.** Every permit shall state the period for which it is to remain in force, which period shall not be more than will, in the opinion of the officer granting it, be sufficient for effecting the removal of the spirits to which it relates.

**142.** The permit shall accompany the spirits to which it relates and remain in the possession of the person having charge thereof, but it shall be produced for examination as often as may be required by any officer having authority. Every endorsement of the examination of any permit shall be made on the back.

**143.** When the spirits covered by permit have been exported or warehoused, the permit accompanying the goods shall be delivered to the receiving Collector, and as the permit has served its purpose, it may be destroyed, provided however, that the permits covering spirits shipped to a licensed druggist shall be held on file until the Collector is assured that the spirits have been charged in the licensed druggist's records.

**144.** Permits shall not be granted for the removal of spirits unless the packages in which they are contained have been marked and numbered in conformity with the "General Warehousing Regulations", as contained in Circular No. 327-C, as revised, nor unless the applications for such permits are made in the form, and filled in with all the particulars required.

**145.** Matured spirits may be removed IN BOND from any distillery or bonding warehouse for the following purposes or persons exclusively:—

- (a) another licensed distiller;
- (b) another licensed bonding warehouse;
- (c) for exportation;
- (d) for ships' stores;
- (e) heads of diplomatic missions accredited to His Majesty in respect of Canada, upon written application personally signed by the head of the mission;
- (f) high commissioners representing other of His Majesty's governments in Canada, upon written application personally signed by the high commissioner;
- (g) trade commissioners representing other of His Majesty's governments in Canada, when the country they represent extends similar privileges to Canadian trade commissioners abroad and not otherwise, upon written application personally signed by the trade commissioner;
- (h) counsellors, secretaries and attachés at embassies, legations and offices of high commissioners in Canada whose governments accord

**Excise Act—continued**

the same privilege to Canadian officials holding corresponding posts in the countries represented by such embassies, legations and offices of the high commissioners, upon written application personally signed by the head of the mission, or the high commissioner;

- (i) consuls general of foreign nations who are natives or citizens of the country they represent and who are not engaged in any other business or profession, upon written application personally signed by such consuls general;
- (j) such other persons as the Minister may from time to time determine.

*Note.*—The designation “consuls general” in clause (i) does not include consuls or vice consuls. Collectors should see that this is well understood by officers concerned.

**146.** Matured spirits may be shipped DUTY PAID, but subject to provincial regulations, to the following:—

- (a) the Department of National Revenue;
- (b) another licensed distiller;
- (c) a provincial liquor commission or board;
- (d) for exportation;
- (e) any person or persons holding a permit from a provincial liquor commission or board.

**147.** Unmatured spirits may be shipped IN BOND to the following parties exclusively:—

- (a) another licensed distiller;
- (b) a licensed “Manufacturer in Bond”;
- (c) a distiller’s bonding warehouse, apart from the distillery premises, licensed for the storage of unmatured spirits;
- (d) such other persons as the Minister may from time to time determine.

**148.** Unmatured spirits may be shipped DUTY PAID from a distillery as provided for in Section 33 of these regulations.

**149.** Permits covering shipments of spirits duty-paid from a distillery to persons and organizations referred to in Section 33 hereof are to be issued *in duplicate* and one copy, together with Bill of Lading, is to be mailed to the Collector of Customs and Excise of the port wherein these persons and organizations are situated.

**150.** When spirits are shipped duty-paid to persons other than a liquor commission or board, the Officer in Charge is to notify the chairman of the liquor commission or board of the province into which such spirits are being shipped on “ADVICE OF SHIPMENT OF DUTY-PAID SPIRITS”, Form E.126.

**151.** If a liquor commission or board desires confirmation of any duty-paid shipment made to them, an extra copy of “Excise Delivery Order”, Form C.53, covering each shipment made to such commission or board is to be made out by the licensee, signed and stamped by the Officer in Charge and mailed to the consignee.

**152.** No permit shall be granted for the removal of any spirits for export in bond except unmatured, denatured or specially denatured alcohol



**Excise Act—continued**

unless the person applying for the same pays to the Collector the validation fee as established by The Excise Act and amendments or any Order in Council based thereon, the said permit to have recorded across the face the words "Validation Fee \$. . . . . has been paid".

**153.** The revenue collected from this fee shall be accounted for to the department on an entry (Form B.63), with the information; "Validation fee collected upon Entry No. ....".

**EXCISE DUTY-PAID SPIRITS**

**154.** Excise duty-paid spirits may be shipped under Permit T.204 from one licensed distiller to another.

**155.** Duty-paid spirits may be returned to a distiller from any provincial liquor commission or board under Permit T.204 and may be taken into duty-paid stock, provided the Officer in Charge is given a certified copy of the consumption entry or furnished with other satisfactory proof that the duty has been paid.

**156.** When received at a distillery, these spirits shall bear the markings as authorized by the "General Warehousing Regulations". The markings on the barrels or cases are to be checked with the permit and should agree with the information therein contained. The actual quantity of Excise duty-paid spirits brought into or returned to a distillery shall be determined by the Officer in Charge who shall weigh and test all bulk spirit in the same manner as if received in bond. He shall also count the cases of bottled spirits and assure himself that the strength indicated on the cases is correct. The quantity thus ascertained shall be debited in the "Duty-Paid Spirits Warehouse Account" and the packages stored in the duty-paid warehouse of the distillery.

**157.** Duty-Paid spirits received, when not accompanied by a permit or on which the markings do not agree with those shown on the permit, shall be placed under Crown lock, a sample sent, and the facts reported to the department.

**158.** When spirits stored in the duty-paid warehouse of a distillery require re-conditioning, the distiller shall apply to the department for permission to transfer such spirit to the distillery stock. The application is to be accompanied by a certified copy of the consumption entry by which the Excise duty has been paid.

**159.** Upon receipt of such application, the department may issue a letter of authority for the distiller to take the spirit into distillery stock. The file number and date of the departmental letter shall be noted as authority for the transaction in "Distillery Stock Book No. 2".

**160.** Upon application, the department may recognize the age of duty-paid spirit returned to distillery stock provided the spirits have been continually in a distillery warehouse, and are not to be re-distilled.

**161.** On and after the first day of each month, the distiller may pass a free entry ex-warehouse for an equivalent quantity in proof gallons sufficient to counter-balance the quantity of duty-paid spirits taken into distillery for further treatment, quoting as authority on the entry the file number and date of the departmental letter.

**Excise Act—continued**

**162.** At the end of each month, the quantity of duty-paid spirits transferred to distillery stock and for which the distiller is entitled to an equivalent quantity in proof gallons by free entry, shall be shown in "Distillery Stock Book No. 2" in the space provided, and in the corresponding statement on the monthly return.

**163.** When spirits shipped to a licensed druggist under provisions of Section 33 of these regulations require to be returned to a distillery, permission must first be obtained from the department, when the foregoing instructions will apply. Such spirits, upon being received at the distillery, are to be stored in the duty-paid warehouse, separate and distinct from other spirits, and shall be recorded as such in the "Duty-Paid Spirits Warehouse Account". If required for further treatment, full Excise duty must be paid thereon before transferring to distillery stock.

**164.** When Excise duty-paid spirits are being blended, all spirits in process of blending in bond must first be entirely removed from the blending-room or secured in tanks under Crown lock.

**CUSTOMS DUTY-PAID SPIRITS**

**165.** Customs duty-paid spirits, flavouring material with a spirit content, or wines, imported by a distiller or purchased from the importer, may be brought into the distillery for blending purposes with the approval of a liquor control board or commission. The Excise Officer in Charge is to be furnished with a copy of the Customs entry accounting for duty paid thereon. He will place these goods under Crown lock. Departmental permission is to be obtained to take such Customs duty-paid spirits into stock and for a free entry. A sample of each lot of flavourings and wines received is to be sent to the department with a covering letter requesting determination of the spirit content. When permission is granted, the spirits may be taken into stock and warehoused—proper entries to be made quoting the letter of authority. Free entries must show the file number and date of the authorizing letter.

**166.** When, because of the tariff classification of wines and of extracts having a spirit content, the Customs duty, fully paid, is lower than the Excise duty, then the equivalent quantity in proof gallons to be given free will be determined by dividing the amount of duty paid as shown on the Customs Entry by the current rate of Excise duty.

**DOMESTIC WINES AND FLAVOURING MATERIALS**

**167.** (a) The quantity of domestic wines and flavouring materials with a spirit content, when brought into a licensed distillery for blending "in bond", shall be ascertained by the Excise Officer in Charge, in accordance with instructions set forth in these regulations. The quantity found is to be taken into distillery stock and immediately warehoused.

(b) The blending of flavouring materials and Excise tax-paid wine with duty-paid spirits is permitted in duty-paid warehouse.

**168.** Under authority of this Section, wine as defined by "The Excise Tax Act" may be brought into a distillery for "in bond" blending purposes without application of Excise (gallonge) tax. The Officer in Charge of the distillery will sign a copy of the "Entry for Warehouse" and forward same to the interested winery for filing for Excise tax audit purposes.

**Excise Act—continued**

IMPORTED SPIRITS AND WINES "IN BOND"

**169.** Imported spirits, flavouring extracts classified by the department as spirits, and imported wines, transferred in bond from Customs to Excise for blending purposes, shall be in original packages. They shall be removed direct from Customs custody to the licensed distillery and be accompanied by a certified copy of the Customs entry covering the transfer.

**170.** When spirits or wine are imported direct from the country of origin, the department may recognize the age as shown by a certificate issued by Excise or Customs officials of any British country.

**171.** The department may, in its discretion, recognize the validity of certificates of age supported by satisfactory evidence from some competent government authority in the country of origin, covering spirits or wine imported direct from non-British countries when application is made by the importing distiller.

**172.** The Officer in Charge is required to determine, for Excise purposes, the quantity of spirits, in proof gallons, and shall certify to such quantity on the face of the certified Customs entry.

**173.** The quantity, as determined by the Officer in Charge, shall be entered in "Distillery Stock Book No. 2", along with other information required under the heading "Ex-Customs", and shall be warehoused at once.

**174.** In the case of spirits, including flavouring extracts, wine, rum and brandy, the strength of which cannot be determined accurately by Sikes' hydrometer, the actual quantity in proof gallons contained in the wine or spirits is to be determined by means of a test still.

**175.** The certified copies of all Customs entries covering such importations shall be kept on file until checked by the Inspector.

**176.** The Excise Officer in Charge shall, at the close of each quarter, forward to the department a statement, on Form G.68, detailing all imported spirits and wines brought into the distillery for blending purposes.

**177.** When the rate of Customs duty on imported spirits exceeds that collectible under provisions of The Excise Act, the distiller shall, upon passing Customs Ex-Warehouse Entry on imported spirits as referred to above, pay the sum represented by the difference between the duty collectible under the Customs Tariff and the Schedule to The Excise Act. No portion of the Customs duty will be collected when the rate of Customs duty does not exceed the rate of Excise duty.

**178.** The distiller shall enter all imported goods in his Excise books at the spirit content, in proof gallons, and warehouse same at the prevailing rate of Excise duty.

**179.** The blending of imported brandy with Canadian will be permitted in a ratio not exceeding twenty-five per cent, in proof gallons of imported brandy.

**180.** The difference in Excise duty between Canadian brandy and distilled spirits shall be paid on every proof gallon of imported brandy taken for blending with Canadian brandy in a distillery warehouse.



**Excise Act—continued**

## CANADIAN BRANDY

**181.** All brandy subject to the Canadian brandy rate of duty, whether in bulk or cases, shall be stored separately from other spirits.

**182.** Canadian brandy is to be shown separate from other spirits in the distiller's and officer's official records, monthly returns and stock statements.

## BOTTLING SPIRITS IN BOND

**183.** Subject to the following regulations, a licensed distiller may bottle, in bond, spirits, the product of his own or of any other licensed distillery, such spirits having been continuously in the bonded warehouse of a licensed distiller.

**184.** A portion of the distillery premises, approved by the department, shall be secured by Crown lock and be used solely for bottling purposes.

**185.** The distiller is to have access to the said apartment only in the presence of an Officer of Excise.

**186.** Six hours' notice is to be given of each intended removal of spirits from the bonded warehouse of the distillery to the bottling apartments.

**187.** The notice shall set forth the number of packages to be removed and the entry number and serial number of the packages.

**188.** The beam of the scale used for determining the quantity of spirits bottled shall be graduated in pounds and tenths of a pound.

**189.** The bottles or flasks to be used are, after having been cleaned and dried, to be weighed in the presence of the officer, who is to record the number and weight of such bottles or flasks in a book provided by the department for that purpose.

**190.** Except as hereinafter provided, distillers are to weigh one hundred per cent of the bottles or flasks used.

**191.** Except as hereinafter provided, when the bottles are filled and before being corked and labelled, all are to be again weighed and the net weight of the spirits in the bottles will be ascertained by deducting the first weight from the second. When the bottling of the lot is completed, the aggregate net weight is to be divided by the number of bottles weighed and thus, according to the number of bottles per case, the average weight per case may be obtained, which weight, divided by the gravity of the spirits will give the standard gallons per case.

**192.** Provided, however, that in respect of any licensed distillery in which is installed bottle filling apparatus, known as vacuum filling machines or any similar apparatus, the use of which is authorized, it will be considered an adequate compliance with these regulations for determination of quantity, if the weight of not less than 10 per centum of the number of bottles or flasks be ascertained, as per this and the preceding section.

**193.** If, at any time, the Officer in Charge of any distillery should consider it necessary, in the interest of the revenue, to determine the weight of the whole, or any part not less than 10 per centum of the spirits being bottled, he is authorized to require the distiller to arrange for determination of weight accordingly.

**Excise Act—continued**

**194.** It is to be expressly understood that the empty bottles shall in every instance be thoroughly dried before weighing.

**195.** Officers in charge of distilleries wherein rotary vacuum bottle filling machines, as above described, are employed, are instructed to ensure that the controlling mechanism after being adjusted to fill the bottles to the required level, be secured, if possible, by Crown lock, so that they cannot be altered or the adjustment interfered with, without the knowledge and consent of the officer in charge of the bottling room.

**196.** Spirits, when entered for transfer to the bottling room, shall be recorded in "Distiller's Maturing Warehouse Account," T.222F, and treated as a local entry,—the quantity transferred being carried to the debit of "Distiller's Bottling Daily Record," T.233.

**197.** The quantity bottled shall be credited in the Daily Record and carried to the debit of "Distiller's Bottled Stock Account," T.222C, by means of a local port entry which shall not be forwarded to the department, and credited when ex-warehoused.

**198.** When cases are entered ex-warehouse for consumption, the "Duty-Paid Spirits Warehouse Account" (cases), T.222G, is to be debited, and credited when disposed of.

**199.** All books above referred to are to be balanced monthly.

**200.** A tank or tanks shall be provided, into which all bulk spirits shall be placed and from which the bottles or flasks shall be filled.

**201.** At the close of each transaction, the deficiency arising thereon shall be determined and recorded and at the end of each month an ex-warehouse entry is to be passed, provision being made for an abatement not exceeding one per cent on the month's transactions, to cover deficiencies in spirits arising from bottling operations. The duty on deficiencies in excess of the said one per cent abatement will be due and payable at the end of each month.

**202.** The month's transactions in the bottling room shall be shown in the distiller's monthly return.

**203.** Except for export, each case or package of bottled spirits shall contain not less than one Imperial gallon.

**204.** All bottled spirits when ex-warehoused or removed shall be subject to all regulations and restrictions made and established in respect of other spirits, except as herein specifically provided.

**205.** The distiller shall attach to each bottle or flask an age strip stamp which shall be placed over the cork and extend down each side of the bottle or flask to completely seal the package and to prevent the removal of the contents without breaking the stamp, provided that in respect of the following spirits the use of the age strip stamp may be optional:

- (a) All types of gin;
- (b) All cocktails, cordials and liqueurs as referred to in The Excise Act;
- (c) Blended spirits (including Scotch and Irish types of whisky) containing less than 75 per cent of domestic spirits;
- (d) Spirits entered for exportation in bond.

**Excise Act—continued**

**206.** Age strip stamps, of a design and material approved by the department, will be furnished free of charge to the officer at the distillery for delivery to the distiller upon proper requisition being made by the distiller to the Collector.

**207.** A book shall be kept by the officer in charge of the bottling room in which shall be recorded the respective year and serial number of the stamps received, and when these are delivered for immediate use, a record of the serial number of the stamp is to be recorded therein in respect of each "Excise number" bottled. This will serve as a means of identification.

**208.** The "Monthly Statement of Spirit Age Strip Stamps," Form G.63, is to be completed *in duplicate*, and one copy is to be forwarded to the department addressed for the attention of "The Supervisor, Customs-Excise Stamp Branch."

**209.** "The Importation of Intoxicating Liquors Act" authorizes the importation of spirits by a licensed distiller for blending or flavouring with the products of the distiller. Therefore, spirits so imported, except liqueurs as defined by the department, may not be bottled in bond by a distiller without the addition of at least twenty-five per cent in proof gallons of domestic spirits, the product of his own or another Canadian distillery.

**210.** Spirits of a strength which is less than the percentage of absolute alcohol by volume, as defined by "Regulations under the Food and Drugs Act," may not be bottled in bond or duty paid for consumption unless the proof spirit or alcoholic content is legibly printed on the face of the label.

**211.** Under provisions of "The Excise Act," distillers may attach to bottles, flasks or other packages of spirits a label, stamp or other device containing the name of the spirits and the name and address of the distiller, but if any additional statement or information be included, the label, before being so attached, shall first be approved by the department as to form and wording.

**212.** When spirits for export have been distilled, warehoused, blended, made, aged, or bottled under the supervision of the Canadian Government, the use of a label on the bottles containing such spirits and bearing a statement "Distilled" (or "Warehoused," "Blended," "Made," "Aged," or "Bottled," or any combination as the case may be), under Canadian Government supervision, or any similar statement to that effect, is specifically authorized.

**213.** The contents marked on labels used on bottles or blown into bottles to contain spirit to be entered for consumption in Canada shall be shown in Imperial measure only.

**214.** All body labels used for bottling spirits shall include—

- (a) The name and address of the licensed distiller who bottles or assumes responsibility for the bottling, or
- (b) When the bottling is done for a person, firm, or corporation in Canada other than the distiller, the name and address to be shown on the label may be that of such person, firm or corporation, or
- (c) The name of a person, firm, or corporation in or outside of Canada with the address of the distiller in Canada.



**Excise Act—continued**

**215.** Pencil sketches, drawings or blue prints of labels drawn to scale or actual size photographic copies of labels may be submitted *in duplicate* to the department for tentative approval before expense is incurred for printing or lithographing, but formal approval of the finished label will be given only upon *three* specimen copies being submitted under covering letter. Excise Officers in Charge will be furnished by the department with specimens of all approved labels and it shall be incumbent upon them to ensure that the labelling requirements are strictly observed.

**216.** Except for exportation, the following information shall be distinctly marked in durable paint in letters not less than one-quarter of an inch in height on one side of the case:—

- (a) the Excise number; (to be not less than one inch in height)
- (b) the year when the spirit was originally warehoused;
- (c) the month and year when the spirit was bottled;
- (d) the number of standard gallons contained therein;
- (e) the strength in proof gallons;
- (f) the number of bottles, or flasks contained therein;
- (g) the registered number of the distillery;
- (h) the port serial number.

This information is to appear on all cases in the following sequence and wording:—

Excise No.  
W'hse-Btld.  
Gallons.  
Strength  
Bottles  
Dist.-Port.

**217.** In the case of spirits bottled for the export market, the information contained in Clauses (a) and (c) in the preceding section, together with the letters EXPN, placed on each case, in letters not less than one inch in height, is authorized. Cases marked for export must not be piled with domestic cases, nor be released for consumption.

**218.** Not less than one case may be entered "For Warehouse" or "Ex-warehouse" by one entry.

**219.** In accordance with the terms of Section 205 herein, the following conditions are to be carefully observed, as respects spirits bottled IN BOND and intended for exportation out of Canada:—

- (a) Strip labels supplied by the distiller may be used, provided specimens *in quadruplicate*, have been submitted to the department and approved.
- (b) The colour of such strip labels shall not conflict with age strip stamps supplied by the department and shall have the word "EXPORT" displayed in the centre. If so desired, these strip labels may have the additional information as the department may approve, printed thereon.
- (c) Cased spirits so labelled are to be stored apart from other cases in the Bonding Case Warehouse, each lot being conspicuously placarded for identification purposes and appropriate measures taken for a similar purpose, when recording the Bottling Stock Books, T.222C and T.222D.

**Excise Act—continued**

- (d) Distillers may pay duty on these goods and enter same for exportation out of Canada, provided that a written undertaking to the following effect has been filed with the department:—

“We hereby undertake and agree that the type of strip label supplied by us, when approved by the Department of National Revenue, will be used exclusively on Canadian spirits entered for exportation in bond out of Canada, or entered for exportation duty paid out of Canada.”

- (e) Under the foregoing circumstances, the distiller's “face” label may have the phrase “Bottled in Bond” printed thereon.
- (f) Bottled spirits labelled as hereinbefore described may not, under any circumstances, be entered for removal or transfer in bond, nor otherwise shipped for distribution in Canada.

**INSOLVENCY**

**220.** Should a licensed distiller become insolvent, or from other causes permanently cease operations, the department may permit the person purchasing the bonded spirits produced in such distillery and which have been constantly under excise control in the said licensed distillery to bottle the same in bond.

**221.** A suitable compartment, approved by the department and licensed as an Excise Bonding Warehouse, shall be provided by the purchaser of the spirits, in which the bottling shall be carried on in the presence of an Officer of Excise.

**222.** The compartment in which such spirits in barrels or other packages are stored is to be secured by the joint locks of the department and the licensee and shall be separate and distinct from the regular licensed warehouse.

**223.** No work, other than the bottling of said spirits, shall be carried on in such compartment.

**224.** The bottler of such spirits shall pay to the Collector, to cover cost of supervision, the sum of One Hundred and Fifty Dollars per month or fraction thereof.

**225.** Spirits when entered for transfer to bottling room shall be carried to the debit of “Distiller's Bottling Daily Record”, T.233.

**226.** The quantity, when bottled, shall be entered to the credit of “Distiller's Bottling Daily Record”, T.233.

**227.** In all other respects the bottling of spirits, referred to in Section 220 of these regulations, shall be subject to the regulations provided for a licensed distiller.

**BOTTLING SPIRITS—DUTY PAID**

**228.** Distillers may be permitted to bottle on the licensed distillery premises spirits upon which the Excise duty has been paid, subject to the following conditions:—

- (a) All spirits in process of bottling in bond shall either be entirely removed from the bottling room, or secured in tanks, under Crown lock.
- (b) Official age strip stamps may not be used.

**Excise Act—continued**

- (c) In lieu thereof, a strip label, supplied by the distiller and approved by the department, may, if desired by the distiller, be placed over the cork and extend down the neck of the bottle or flask on each side. This label shall not bear the words "Bottled in Bond", but instead, the words "Bottled at the Distillery".
- (d) The face label is to be similarly worded in addition to other information contained thereon, as approved by the department.

**RETURNS**

**229.** On or before the third day of each month, every licensed distiller shall prepare and deliver to the Officer in Charge a return, on Form K.50, *in triplicate*, separate and distinct for each month and relating to the month last preceding the date of making such return, showing all information required by the form.

**230.** The Officer in Charge, after having this return checked and attested to by the licensee and distiller, will forward all three copies to the Collector, who, after checking and signing the return, shall retain one copy, forward one to the interested inspector, and the remaining one to the department.

**231.** On or before the tenth day of April in each year or upon the discontinuance of licence, the Officer in Charge will prepare an Annual Statement, on Form G.55, *in quadruplicate*, which shall be a complete and accurate record of the books and monthly returns as shown by the Abstract Register, T.205, for the transactions occurring in the previous fiscal year and showing all information required to be shown on the return.

**232.** This statement shall be attested to by the distiller as to the correctness of quantities stated therein. All four copies are to be forwarded through the Collector to the interested inspector, who, upon checking and signing same, will retain one copy for his files, return one copy to the Officer in Charge and forward one copy each to the department and the Collector.

**OFFICE ACCOMMODATION**

**233.** The licensee shall supply suitable office accommodation for the exclusive use of the Excise staff and same shall be separate and distinct from the licensee's executive offices. All premises so provided shall be heated, lighted and equipped with office furniture and facilities to the satisfaction of the department and shall be maintained in a clean and sanitary condition, the total cost to be borne by the licensee. The facilities herein referred to shall be adequate for the testing of spirits, instruments, etc.

**INSTRUCTIONS TO OFFICERS**

**234.** Any occurrence which would not be recorded in the departmental books, as a matter of course, and which the officer under whose supervision it happens considers worthy of note, should be reported by him to the Excise Officer in Charge.

**235.** "Distillery Officer's Attendance Book", T. 201, will be provided for each distillery. In this book the officers will record the time of their arrival and departure each day. The Officer in Charge will be required



**Excise Act—continued**

only to place his initials at the foot of each day's entries as proof that he has examined them and will enter in the "remarks" column any observations he may see fit to make as to the attendance of the officers.

**236.** All scales used in or about the distillery are to be checked for balance by the officer before being used. Closed spirit receiver scales shall be further checked for balance, with standard weights, at least once each week when the distillery is in operation. These standard weights are to be supplied by the licensee.

**237.** The Officer in Charge shall test and compare all hydrometers in use with the glass standards at least once each month and ensure that care is used in the handling of all instruments by officers.

**238.** Official lock and seal labels shall have the required information as to use, date, and signature of officer, written on the face of the stub and labels. Reasonable care should be taken that the labels are not defaced when the key is being inserted in the lock and after being taken from the lock the used labels shall be attached to the stub from which originally taken.

**239.** Spirit samples taken for testing are to be returned to stock immediately after the tests have been recorded.

**240.** The officer in charge of a distillery shall be considered as the chief of the distillery staff and be known as "Excise Officer in Charge", who shall be classified in accordance with the provisions of "The Civil Service Act".

**241.** In all distilleries where the department deems it advisable, the Officer in Charge may be provided with an assistant to be known as "Second Officer", whose position shall also be classified in accordance with the provisions of "The Civil Service Act".

**242.** The Officer in Charge shall be responsible to the Collector for the supervision of the distillery staff and allocation of officers for duty in the various departments of a distillery.

**243.** Officers in Charge will be held responsible for the security of all locks, seals, etc., and for the safe custody of instruments, keys, books and all departmental equipment.

**244.** The Officer in Charge may, at the request of the distiller, affix his signature to a certificate of age and/or origin of spirits, providing the wording of the certificate constitutes a statement of fact and can be verified from official records.

**BOOKS TO BE KEPT BY LICENSEE**

<b>245.</b>		
(a)	Distiller's Notice Book.....	T.234
(b)	"      Record of Mashs, Fermentation and Production of Spirits.....	T.208
(c)	"      Stock Book No. 1, Grain.....	T.222A
(d)	"      Stock Book No. 2, Spirits.....	T.222B
(e)	Distillery Maturing Warehouse Account.....	T.222F
(f)	"      Duty Paid Spirits Warehouse Account .....	T.222G

**Excise Act—continued**

(g)	Distiller's Bottling Daily Record.....	T.233
(h)	“ Bottled Stock Account.....	T.222C
(i)	“ Record of Denaturing.....	T.274A
(j)	“ Record of Denatured Alcohol.....	T.274B

**BOOKS TO BE KEPT BY OFFICER IN CHARGE**

**246.**

(a)	Distillery Officer's Attendance Book.....	T.201
(b)	Grain Weighing Book.....	T.255
(c)	Spirits Weighing Book.....	T.252
(d)	Spirits: Tank Weighing Book.....	T.250
(e)	Distillery Officer's Maturing Warehouse Ledger.....	T.232B
(f)	Officer's Record of Balances in Maturing Warehouse....	T.248
(g)	Distillery Officer's Minute Book.....	T.260
(h)	Distillery Officer's Bottling Daily Record.....	T.233A
(i)	Distillery Officer's Bottled Stock Warehouse Account..	T.222D
(j)	Distillery Officer's Bottled Stock Warehouse Transactions	T.260
(k)	Original Record of Spirits Weighed at Closed Receivers	T.249
(l)	Distillery Officer's Record of Fusel Oil.....	T.259
(m)	Officer's Record of Denaturing.....	T.273A
(n)	Officer's Record of Denatured Alcohol.....	T.273B
(o)	Abstract Register for Distillers (parts 1 and 2).....	T.205
	(parts 3 and 4).....	
(p)	Record of Legal Allowance Computation.....	T.251

**247.** The method of recording transactions in the above books may be varied at the discretion of the inspector.

**8. Consolidated Regulations Governing Breweries**

P.C. 4567

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY the 13th day of September, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of section 180 of The Excise Act, 1934, is pleased to order as follows:

1. The Consolidated Regulations Governing Breweries, established by Order in Council P.C. 4364 of 31st October 1947, as amended, are hereby revoked; and

**Excise Act—continued**

2. The annexed "Consolidated Regulations Governing Breweries" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*Consolidated Regulations Governing Breweries*

**LICENSING**

1. All original applications for licence are to be made to the Collector of Customs and Excise on Form L. 1, *in triplicate*, and are to be accompanied by:

- (a) Complete plans and specifications *in triplicate*;
- (b) Form E.110 *in triplicate*;
- (c) Form E.111 *in triplicate*;
- (d) Form E.114 *in duplicate*.

2. Applications for transfer of licence from one premises to another, within the same port, are to be similarly dealt with except that application Form L.10, *in triplicate*, is to be used. A new bond shall be taken as upon the issue of a new licence.

3. In making application for renewal of licence, where no changes have been made in the licensed premises, only Form L.16, *in triplicate*, will be required.

4. When any material changes have been made in the licensed premises, supplementary plans, *in triplicate*, accompanied by Form E.146, also *in triplicate*, will be submitted at the time these changes have been completed. The licensee shall notify the collector of the proposed alterations at least one week in advance in accordance with provisions of Section 27 of "The Excise Act, 1934".

5. All utensils used in the manufacture of beer shall have a serial number, and their capacity in cubic inches and gallons shown in accordance with provisions of "The Excise Act, 1934".

6. Plans and specifications shall bear the same date as all the accompanying forms and shall be signed by the applicant or his duly authorized agent, whose official title shall be stated.

7. Plans of premises to be licensed are to be drawn to scale, in ink, on tracing cloth or may be printed.

8. The collector shall forward all applications to the District Inspector of Excise for examination and approval, who shall upon approval submit same to the department for authorization.

9. The collector will not issue a licence until,
  - (a) authorization has been received from the Deputy Minister;
  - (b) the requisite bond, in the form prescribed by the department, has been deposited with him;
  - (c) the licence fee has been paid.



**Excise Act—continued**

**10.** The collector, after endorsing the application papers, shall forward one copy to the department, one to the licensee, and retain one for filing. The copy returned to the licensee shall be the one to which no Form E.114 is attached.

**GENERAL**

**11.** "General Warehousing Regulations", Circular 327-C, Revised, shall govern the procedure in respect to warehousing and ex-warehousing of excisable goods in a licensed brewery.

**DEFINITIONS**

- 12.** For the purpose of these regulations,
- (a) "beer" or "malt liquor" shall mean all fermented liquor brewed in whole or in part from malt, grain, or any saccharine matter, without any process of distillation;
  - (b) "malt beer" shall mean all lager, ale, porter, stout, or other fermented liquor, brewed wholly from duty paid malt and hops;
  - (c) "dutyable beer" shall mean beer and other fermented liquor upon which duty has not been collected and which has been brewed in whole or in part from any saccharine matter either with or without the addition of malt in bond.

**NOTICES**

- 13.** Brewers shall give notice of their intention to,
- (a) commence operations;
  - (b) bring malt and other brewing materials into, or remove same from, the brewery;
  - (c) mash;
  - (d) place brews in fermenters;
  - (e) remove brews to storage;
  - (f) remove brews for krausening, racking, etc.;
  - (g) remove brews from one fermenter to another;
  - (h) perform any other operation which, in the opinion of the collector or inspector, requires notice.
- 14.** Such notices shall be entered in the "Brewer's Notice Book" not less than 24 hours before the operation is to commence.
- 15.** The serial numbers of the brews and tuns affected shall be given, together with the date and hour when the operation or act is expected to commence.
- 16.** These notices may be amended for cause with the knowledge and consent of the Excise Officer who shall make a suitable notation in the "Brewer's Notice Book".

**MATERIALS USED IN THE MANUFACTURE OF BEER**

**17.** The Excise Officer shall check the quantities of materials; the number of brews, and the location of each brew, with the "Brewer's Daily Record" and the "Brewer's Notice Book". If any brewing materials are brought into, or removed from, the brewery, or if any brews are made or moved in the fermenting cellar, and notice has not previously been given in the "Brewer's Notice Book", as required, the officer shall immediately report the circumstances to the collector.

**Excise Act—continued**

18. The quantity of malt received into a brewery shall be determined by weighing, in the presence of the Excise Officer, and the malt shall be immediately entered for warehouse and stored in warehouse or have the duty paid thereon. The total quantity of malt received during any one day may be accounted for on one warehouse entry.

19. Any brewer who receives malt into his brewery without having the quantity determined and warehoused, shall be liable to the penalties provided by the Excise Act.

20. The quantity of malt ex-warehoused is to be determined by weighing in the presence of the Excise Officer and be entered in the "Brewer's Daily Record".

21. No "duty-paid" malt or other materials are to be allowed to remain in the warehouse with malt "in bond".

22. All fermentable materials, such as sugar, rice, malt syrup preparations, etc., which are brought into a licensed brewery are to be weighed in the presence of an Excise Officer and placed under Crown lock immediately. When subsequently taken for use they are to be weighed again in the officer's presence.

23. The quantities of malt and other materials brought into, or removed from a brewery and quantities used for brewing are to be entered in the respective accounts of the "Brewer's Daily Record".

24. Invoices for malt received shall be presented to the Excise Officer for comparison with the quantity of malt entered for warehouse. These invoices are to be kept on file and made available for checking by the Collector or Inspector.

25. Malt, after having been warehoused, may not be removed in bond from one brewery to another.

26. Malt upon which duty has been paid, may be shipped from one brewery to another. The quantity is to be weighed in the presence of the Excise Officer and credit is to be taken in the "Brewer's Daily Record" of the consignor. The malt is to be weighed and the quantity found is to be warehoused at the receiving brewery.

27. The consignor may apply for and be given a refund of the duty paid on the malt shipped. Claim for refund, on Form N-18, is to be submitted to the department accompanied by evidence satisfactory to the Deputy Minister that the duty has been paid, including:

- (a) a certified copy of the consumption entry upon which the duty was paid;
- (b) a certificate from the Excise Officer that the malt was weighed in his presence and was taken from duty paid stock, and
- (c) a certified copy of the warehouse entry as passed by the receiving brewery for the malt received.

28. Brewers are permitted, with departmental approval, to use other materials which may be considered to be fermentable materials, except sugar, rice and other cereals, in a quantity not exceeding three per cent of the malt used in any one brew, regardless of whether same is added when

**Excise Act—continued**

brewing, fermenting, in storage, or immediately prior to bottling, without such beer being considered as dutiable. This restriction does not apply to hops. Soya beans are considered to be a yeast food, and may be used up to one per cent of the malt used in the brew.

**29.** Malt syrup may not be used in the manufacture of "malt beer".

**MALT WEIGHED AT SOURCE OF SUPPLY**

**30.** When a brewer lacks proper facilities on his premises for weighing malt which is to be brought into the brewery, an alternative method of weighing is provided by the Excise Act. This method is designed for temporary relief until proper scales are installed at the licensed premises and may not be continued after October 1, 1950.

**31.** In this alternative method, all malt intended for use by a licensed brewery, shall be weighed in the presence of an Excise Officer at the source of supply, and the Collector will allocate an officer for this duty when required. Brewers requiring this service shall make the necessary arrangements with their supplier.

**32.** Upon determination of the quantity of malt, the Excise Officer shall complete "Advice of Weighing and Shipping of Malt", Form E-113, *in triplicate*. One advice should be completed for each carload, and where smaller lots are weighed for transportation by truck, one advice may show the aggregate weighings during an acceptable twenty-four hour period for each brewery to which the malt is shipped. The *original and duplicate* are to be forwarded to the Collector of the port in which the receiving brewery is situated. The *third* copy is to be filed by the Excise Officer. The Collector shall forward the *original* copy to the Excise Officer in charge of the receiving brewery for comparison with the invoice, and file the *duplicate* for computing the charge for weighing. If the source of supply is located in the same port as the receiving brewery, the *original* is to be mailed direct to the Officer in Charge of the receiving brewery and the copy to the Collector.

**33.** In shipments by rail, the weighing officer shall seal the railway car with official seals as soon as the loading is completed. Should an officer find any seal broken upon receipt at the brewery, the malt is to be weighed again in the presence of the officer before acceptance and the circumstances reported to the Deputy Minister.

**34.** The quantity of malt to be entered "for warehouse" shall be the quantity shown on the Forms E-113, except when reweighed at the brewery as provided in the preceding section.

**35.** Each brewer requiring this special service shall pay to the Collector the sum of two dollars for each weighing certificate issued. This fee shall be payable at the end of each month and shall be determined by the Collector from the Forms E-113. The Collector will bill each brewer for the amount of his account, and on collection, will show it in his Sundries Cash Book.

**GENERAL OPERATIONS**

**36.** Brews are to be consecutively numbered commencing with No. "1" on the first day of April in each year.



**Excise Act—continued**

37. A card showing,  
(a) type of brew (malt or dutiable);  
(b) date of brewing, and  
(c) serial number of brew

is to be placed on the fermenting tun by the licensee.

38. When a brew is divided and contained in two or more fermenting tuns, cards are to be made out for each tun, giving the date of brew and other particulars, and stating,

“Part of Brew No. ....”

39. When yeast sediment is found deposited at the bottom of fermenting tuns a deduction of two per cent (2%) may be allowed from the quantity of beer found in such vessels after fermentation is complete. This deduction is to be made on the individual brews and percentage is to be based on the gross quantity of beer found by gauge.

40. The two per cent deduction for yeast sediment may be allowed when beer is transferred from one fermenter to another for the purpose of rousing, or for collecting gas during fermentation, but no such deduction will be permitted,

- (a) if the quantity of beer produced is ascertained by meter, or
- (b) when beer has been transferred from one fermenter to another after fermentation is complete for the purpose of removing the sediment before the final dip is taken.

41. The number of gallons per lineal inch of height of fermenting tuns is to be accurately ascertained in order that gauges may be readily taken to determine the quantity of beer produced. If desired, two liquid meters authorized by the Weights and Measures Branch, Department of Trade and Commerce, may be used for this purpose, the one result being checked against the other for accuracy. Wooden fermenting tuns are to be re-gauged at least every three years.

42. The Excise Officer will gauge the quantity of malt beer at any time between the recording of the notice “To Remove Beer to Storage” and the expiry of same and compute the gallons. Record of the gauge will be kept in the officer’s “Record of Brews” and shown in the “Brewer’s Daily Record”. The result of the computation will be used as a check upon the quantity of beer entered in the “Brewer’s Daily Record”.

43. Entries will be made in the “Brewer’s Daily Record” by the licensee, day by day, and on the same day on which the transactions occur.

44. The average quantity of malt used to produce one gallon of “malt beer” is to be entered as a memo *in red ink* in the “Brewer’s Daily Record” at the close of each month’s business.

**KRAUSENING**

45. The Excise Officer is to be present and measure the beer to be taken from the fermenting tun for krausening.

46. The date, quantity of beer removed from fermenting tun for krausening purposes, and the serial number of the brew to which the krausening beer is added, is to be noted on the card on the fermenting tun.

**Excise Act—continued**

47. An entry is to be made in the "Brewer's Daily Record", showing the brew number affected and the number of gallons so taken. A record of this transaction is also to be recorded in the officer's "Record of Brews".

48. Beer taken for krausening is not subject to a deduction of two per cent for sediment.

**DUTIABLE BEER**

49. All malt for the manufacture of dutiable beer shall be used "in bond" and shall be delivered to the brewer for grinding and mashing as required for immediate use as per the "Brewer's Notice Book".

50. The weighing and grinding of malt and other materials shall be done in the presence of the Excise Officer. If the ground malt and other materials are not immediately placed in mash, the hopper or container shall be secured by Crown lock at all openings unless the outlet is connected with the mash tub in such a manner that the ground malt or other materials cannot be diverted therefrom.

51. If the requirements of Section 50 are found to be impractical the following procedure may be substituted:

- (a) Malt and other materials taken for brewing shall be weighed in the presence of the Excise Officer.
- (b) The brewer shall take a "Balling" test of each brew at the same time that the officer is taking the first dip required for dutiable beer. Both the brewer and the officer are to witness the two operations.
- (c) The brewer shall enter in the "Daily Record" the result of the test in the first column under the heading "Yeast Brewery Account", and on the line recording the first dip and brew number.
- (d) The officer shall enter the "Balling" test in the "Record of Brews" in the column headed "gallons per inch", and on the line recording the first dip and brew number.
- (e) Should the officer note any variation in the "Balling" test greater than one complete reading in similar brews, the facts are to be brought to the attention of the Collector or District Inspector.
- (f) The average of the "Balling" tests taken during the month is to be entered under the quantity of dutiable beer shown as produced in the "Monthly Return", Form K.55, Statement "C".

52. The quantity of malt delivered for use shall be recorded in the officer's "Record of Brews" and also *in red ink* to the credit of the "Warehouse Account" of the "Brewer's Daily Record".

53. At the close of the month's business a free entry is to be passed, on Form B.52, "Entry Ex-Warehouse for Consumption" to cover all the malt used during the month in the production of dutiable beer. This entry shall have written across the face the words "Free for the manufacture of dutiable beer" and shall be certified as correct by the Excise Officer in Charge.

54. A credit entry *in black ink*, corresponding with the quantity shown by the free entry, shall be made in the "Warehouse Account" at the close of the month's business.

55. The Excise Officer in Charge shall ensure that all malt delivered free of duty goes into the mash tub, and is actually used in the brew.

**Excise Act—continued**

**56.** Upon completion of the brew, and before the first dip is taken, the officer will also ensure that the mash tub, kettle, hop jack and surface cooler are completely empty of wort and that all the wort produced is run into the fermenter or settling tank.

**57.** To determine the quantity of beer produced:

- (a) The first dip shall be taken at the vessel into which the beer is directly run from the beer cooler immediately after the cooling process and before any fermentation has commenced;
- (b) The second dip is to be taken when the beer is run into that fermenting tun, where the final dip will be taken.
- (c) The final dip shall be taken before the beer is transferred to the storage vat.

A record of these gauges will be shown in the "Brewer's Daily Record" and in the officer's "Record of Brews".

**58.** If more than three per cent difference, or four per cent for ale, porter and stout, is found between the first and final dip, the gauge yielding the greatest quantity of beer is that which shall be used to determine the quantity of beer subject to duty. The percentage is to be determined on the quantity found by the first dip.

**59.** If the difference between the quantity of beer found by the first dip and the quantity as found by the final dip is in excess of three per cent, or four per cent for ale, porter and stout, the quantity in excess shall be accounted for in the "Brewer's Daily Record" as a deficiency in production, and duty is to be paid thereon at the current rate.

**60.** The quantity of beer as found by the final dip, less allowance for yeast, is the quantity to be warehoused or entered for duty ex-factory, and if warehoused, the beer is to be placed in storage and secured by Crown label lock.

**EXAMPLES**

**61. (a)** Where the difference in gauging does not exceed three per cent:

First dip shows 5,000 gallons.

Second dip shows 4,950 gallons.

Final dip shows 4,900 gallons.

Difference between first and final gauging:

5,000—4,900=100 gallons or 2 per cent of 5,000.

Final gauge ..... 4,900 gallons.

Less 2 per cent for sediment.. 98 gallons.

Beer produced and shown in  
"Brewer's Daily Record" 4,802 gallons.

**(b)** where the difference in gauging exceeds three per cent:

First dip shows 5,000 gallons.

Second dip shows 4,950 gallons.

Final dip shows 4,800 gallons.

Difference between first and final gauging—

5,000—4,800=200 gallons or 4 per cent of 5,000.

Less 150 gallons or 3 per cent of 5,000.



**Excise Act—continued**

Deficiency entered in "Brewer's Daily Record" and on which duty is to be paid	}	—50 gallons.
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Final gauge .....	4,800 gallons.
Less 2 per cent for sediment..	96 gallons.

Beer produced and shown in "Brewer's Daily Record"	4,704 gallons.
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**62.** The Warehoused quantity is to be accounted for in the "Warehouse Account" in the "Brewer's Daily Record".

**63.** Where, in the opinion of the department, a brewer is not producing a quantity of beer which, having regard to the quantity of materials used and their total extract value, should be produced, but is producing a product which is mixed with other beer or substances, thus increasing or decreasing the original extract value of the original beer, the department may assess duty on the quantity of beer which should have been produced, in the ratio of one gallon for every two and a quarter pounds of malt and materials other than hops taken for use in any such brew.

**64.** The officer's "Record of Brews" shall show full particulars of every brew from and at the time the malt has been weighed into the mash tub until the beer is placed in warehouse or entered for consumption ex-factory.

**65.** A record of the serial number of the brew or brews and the quantity of beer placed in each storage vat "in bond" shall be kept by the officer.

**66.** No less quantity than one complete brew may be warehoused.

**67.** Except when taken for krausening no less quantity than one complete brew may be entered for consumption ex-factory.

**68.** No less quantity than five hundred (500) gallons of beer may be entered "Ex-Warehouse for Consumption".

**69.** The blending or mixing of "dutiable beer" (beer upon which duty has not been paid) with a "malt beer" will not be permitted.

**LABELS**

**70.** Labels need not be submitted for departmental approval, but under provisions of The Excise Act, brewers are required to show on beer containers, in conspicuous type, the name and address of the brewer or bottler of the beer.

**EXPORTATION AND SHIPS' STORES**

**71.** "Dutiable beer" for export or ships' stores will be bottled "in bond" under supervision of the Excise Officer and if an ex-warehouse entry is not immediately passed for the quantity bottled, such beer is to be returned to a bonding warehouse. Dutiable beer may not be bottled "in bond" for consumption.

**72.** "Dutiable beer" may be delivered for export or ships' stores and the respective ex-warehouse entry shall be passed for each quantity, in accordance with provisions of Circular 327-C.

**Excise Act—continued**

**73.** An export bond shall be taken for double the duty and may be cancelled by the production of evidence of exportation from Canada as provided by Circular 327-C.

**74.** "Malt beer" may be delivered for export or ships' stores and when so delivered is to be dealt with in accordance with provisions of Circular 327-C. The officer who makes delivery of the beer to the vessel for ships' stores shall ensure that the certificates on Form B.55 are duly completed and signed. (*See* Section 80.)

**75.** The brewer shall give due notice to the collector of his intention to ship "malt beer" for export or ships' stores, by passing a "For Warehouse" entry as indicated in Section 80.

**REFUNDS AND DRAWBACKS**

**76.** The Excise duty paid on "dutiabie beer" destroyed, exported, or delivered for ships' stores, will not be subject to refund or drawback as provision has been made for bottling this type of beer "in bond".

**77.** A refund of one per cent of the duty paid on malt entered for consumption during the fiscal year may be paid annually after the transactions for each year have been closed, in order to compensate for dust, refuse, etc., found as a result of cleaning the malt for brewing purposes.

**78.** Application for the refund referred to in the preceding section is to be made, on Form N.9, "Notice to Claim Refund" accompanied by Form N.10, "Details of Application for Refund", each *in duplicate*, and are to be submitted to the collector for checking and transmission to the department.

**DRAWBACK ON DELIVERY FOR EXPORT AND SHIPS' STORES**

**79.** Any brewer delivering "malt beer" for export or ships' stores may receive a drawback equivalent to the Excise duty collected upon the malt used in the beer so exported or delivered for ships' stores.

**80.** Licensed brewers intending to make claim for drawback of the duty collected upon malt contained in "malt beer" to be exported or used for ships' stores shall pass "For Warehouse" and "Ex-Warehouse for Export" entries on Forms B.51 and B.54, or B.55, respectively. These entries are to be considered as memo entries for which no export bond, Form D.57, will be required.

**81.** When the exportation has been effected in the manner set forth in the Warehousing Regulations, the declaration, on Form N.6, shall be made and sworn to by the brewer claiming the drawback.

**82.** "Claim for Drawback", on Form N.6, is to be accompanied by one copy of the Ex-Warehouse Entry, Forms B.54 or B.55 as the case may be, with the certificates on the entry paper properly completed.

**83.** "Claim for Drawback" will not be accepted unless presented to the department within three years following the date of delivery for export or ships' stores.

**Excise Act—continued**

REFUNDS ON DESTRUCTION

**84.** “Malt beer” which is unfit for use may be destroyed on the licensed premises and application made for refund of the duty paid upon the malt used in its production. The following requirements are to be observed:

- (a) The quantity is to be determined by two officers;
- (b) The beer is to be destroyed,
  - (i) by running into the sewer, or
  - (ii) by denaturing to the satisfaction of the department,
 in either case in the presence of the two Officers of Excise who determined the quantity.

**85.** No refund will be paid upon “malt beer” which has been removed from licensed brewery premises, although returned thereto.

**86.** “Claim for Refund”, on Form N.20 *in duplicate*, with the officer’s certificates properly filled in, are to be made by the licensee to the collector.

**87.** Such “Claim for Refund” shall show,

- (a) date of brewing;
- (b) serial number of brew;
- (c) quantity (in pounds) of malt used;
- (d) quantity (in gallons) of beer produced;
- (e) quantity (in gallons) of beer destroyed;
- (f) a statement verifying that the beer has not been shipped from the brewery and subsequently returned;

and shall be forwarded by the collector to the department.

REFUNDS AND DRAWBACKS, HOW COMPUTED

**88.** The amount of refund or drawback shall be determined from the quantity of malt shown to have been used in the brew or brews as recorded in the “Brewer’s Daily Record” and on the claim for refund or drawback, viz.:

- (a) if a single brew—from the quantity of malt shown to have been used in that specific brew.
- (b) if mixed brews—the average pounds of malt per gallon of beer shown to have been used during the month or months involved.

In no case shall the refund or drawback exceed the duty paid on the quantity of malt as shown by the “Brewer’s Daily Record” to have been used for the brew or brews.

CAPACITY OF CONTAINERS FOR DRAWBACK AND REFUND PURPOSES

**89.** For the purpose of claiming drawback or refund in an amount equivalent to the duty collected upon the malt contained in beer, the capacity of beer containers is to be calculated as follows:

BOTTLES	Gallons per dozen
Vichy quarts.....	2·35
Regular quarts.....	1·70
Regular pints .....	·90
11-oz. pints.....	·82
Reputed pints.....	·75
Splits or nips.....	·55



Excise Act—continued

BARRELS OR KEGS		Gallons
A hogshead .....		54
Barrel .....		25
$\frac{1}{2}$ barrel .....		$12\frac{1}{2}$
$\frac{1}{4}$ barrel .....		$6\frac{1}{4}$
$\frac{1}{8}$ barrel .....		$3\frac{1}{8}$

90. The capacity of beer containers not included in Section 89 will be determined by the department, and for this purpose six filled bottles of each type are to be forwarded to "The Chief, Customs-Excise Chemical Laboratory, Bryson Building, Queen Street, Ottawa". A letter relating thereto is to be forwarded to the department.

91. The Excise Officer in Charge shall ensure that the sizes of the containers, as stated on the claims, are as represented.

RETURNS

92. On or before the third working day of each month every licensed brewer shall prepare and deliver to the Excise Officer in Charge a return, on Form K.55, *in triplicate*, which shall be separate and distinct for each month and shall relate to the month last preceding the date of making such return.

93. Returns are to be signed, without exception, by either,
- (a) a duly authorized official of the company, or
  - (b) a person holding "Power of Attorney" duly authorized by the company and registered with the Collector of Customs and Excise, either on Form E.65 or E.66.
- and in addition,
- (c) by the brewmaster.

94. The name of the licensee and the status of the person signing the returns shall be shown on the declaration.

95. The oath taken by the person or persons signing the return shall be made before, and administered by, an Excise Officer duly authorized under provisions of Section 67 of The Excise Act.

96. Returns, after being sworn to by both the licensee and the brewmaster, shall be verified and signed by the Excise Officer in Charge, who shall then forward all three copies to the collector.

97. The collector, upon verifying and signing the returns, shall retain one copy; forward one to the District Inspector of Excise Duty, and the remaining one to the department.

BOOKS TO BE KEPT

- |     |                             |  |
|-----|-----------------------------|--|
| 98. | <i>By the Licensee</i>      | <i>By the Excise Officer</i>                           |
| (a) | Brewer's Notice Book T.237  | Record of Brews T.236                                  |
| (b) | Brewer's Daily Record T.238 | (For Malt Beer) Sheet A<br>(For Dutiable Beer) Sheet B |

**Excise Act—continued**

**9. General Warehousing Regulations Governing Goods Liable to Duties of Excise**

P.C. 4568

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY the 13th day of September, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the recommendation of the Minister of National Revenue and under the authority of section 126 of The Excise Act, 1934, is pleased to order as follows:

1. The General Warehousing Regulations Governing Goods Liable to Duties of Excise, established by Order in Council P.C. 4333 of 29th September 1948, as amended, are hereby revoked; and

2. The annexed "General Warehousing Regulations Governing Goods Liable to Duties of Excise" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*General Warehousing Regulations Governing Goods Liable to Duties of Excise*

APPLICATION FOR LICENCE

1. All original applications for an Excise Bonding Warehouse licence are to be made *in triplicate* on Form L. 1, and to be accompanied by plans and specifications, also *in triplicate*, together with Form E. 114 *in duplicate*.

2. Applications for transfer of licence from one premises to another are to be similarly dealt with, except that application Form L. 10 is to be used.

3. In making application for renewal of licence where no changes have been made in the licensed premises only Form L. 16, *in triplicate*, will be required.

4. When any changes have been made in the licensed premises supplementary plans, *in triplicate*, accompanied by Form E.146 will be submitted.

5. Plans and specifications shall bear the same date as all accompanying forms and shall be signed by the applicant or his duly authorized agent.

6. The Collector shall forward all applications to the District Inspector of Excise for examination and approval, who shall, upon approval, submit same to the Minister for authorization.

7. The Collector will not issue a licence until authorization has been received from the Deputy Minister, the requisite bond deposited with him, and the licence fee paid, as provided by Sections 49 and 50 of The Excise Act.

**Excise Act—continued****CONSTRUCTION AND SECURITY OF EXCISE BONDING WAREHOUSES**

8. The door of every such warehouse shall be provided with two locks, one of which will be supplied to the Collector by the department, upon requisition being made therefor, and the key of which shall be kept by the Collector, and the other provided by the owner of the goods who shall retain the key thereof; and should there be more doors than one, all other doors and all windows and other means of ingress, shall be fastened on the inside in a secure manner and to the satisfaction of the surveying officer.

9. When a bonding warehouse forms part of a floor of a building, a partition shall be constructed separating the warehouse from the other section of the room.

10. If wire screening be used, the wire shall not be smaller than No. 9 gauge and the mesh shall not be greater than two inches in diameter. It shall be securely fastened at top, bottom and sides.

11. If constructed of wooden slats, which shall not be more than two inches apart, same are to be nailed on the inside to substantial horizontal supports with cross-slats running the entire length of the partition on the outside and placed so that the ends of the upright slats may be secured by nails which are to be driven through the upright and cross-slats and clinched on the inside.

12. These partitions shall be built on a solid base at least four feet in height, and if such base be wood, the boards shall be of tongue-and-groove type.

13. All construction of the warehouse shall be to the satisfaction of the surveying officer.

14. When any warehouse has been surveyed and accepted as an Excise bonding warehouse and licensed as such, it shall be designated by a letter of the alphabet. Bonding warehouses in connection with a licensed manufactory shall be designated by a number.

15. Over the principal entrance to every warehouse approved for Excise purposes there shall be placed the following designation:—

**CANADIAN GOVERNMENT****EXCISE****BONDING WAREHOUSE**

with its designating letter or number, the whole being in legible characters, painted in oil colours and not less than three inches in height.

**MARKS AND NUMBERS**

16. Every barrel, keg or drum of spirits entered "For Warehouse" shall be distinctly marked to the satisfaction of the Collector. Packages shall have on one head either the name and address of the licensee or his registered number and the number of the port in which the licensed premises are situated, and, on the other head:—

(a) The number of the entry,



**Excise Act—continued**

- (b) The date of the original warehouse,
- (c) The gross tare and net (in pounds),
- (d) The number of standard gallons,
- (e) The strength in proof spirits,
- (f) The number of the package.

The above marks and numbers shall be written or stencilled on the packages in oil paint. The date will be sufficiently indicated by the number of the month and the last two numerals of the year in which the entry was made, thus—goods entered on the 20th January, 1947, may be dated 1-47, showing that the entry was made in the first month of the calendar year 1947.

STOWAGE OF PACKAGES

**17.** All goods in any warehouse, except cigars and manufactured tobacco, are to be so stowed or arranged that casks, boxes or packages, contained or described in one entry are placed consecutively and together in separate lots as provided by law. Cigars and manufactured tobacco shall be stowed or arranged in warehouse in lots according to the denomination of the packages. The packages are to be stowed or arranged in such manner that ample space will be left so that each package and the marks and numbers thereon can be examined. When these regulations as to arranging and stowing packages are not complied with, Collectors may refuse further entries for warehouse until the goods are re-arranged to the satisfaction of the surveying officer.

WAREHOUSING, ENTRIES, ETC.

**18.** All entries are to be numbered consecutively.

**19.** No entry shall be passed for warehouse, or ex-warehouse upon any authorized holiday, nor before the hour of nine o'clock in the morning, nor after 4.30 o'clock in the afternoon.

**20.** All entry papers, bonds, notices and other documents herein required shall be made out and signed by the owner of the goods to which they relate, or in his name by his duly authorized attorney, and all packages shall be marked and numbered as herein required by the owner or his agent.

**21.** Entry of goods "For Warehouse" shall in all cases be made on the forms authorized by the Minister, viz., Form B.51, and every such entry shall contain a full and complete specification of the goods so entered, stating:—

- (a) The number and description of packages;
- (b) Marks and numbers;
- (c) Contents, in pounds, gallons or number; and in the case of spirits, the contents are also to be stated in gallons of the strength of proof;
- (d) The duty on the goods so entered for warehouse.

**22.** Every cask, barrel or package containing goods shall be whole and entire at the time it is warehoused or ex-warehoused.

**23.** Every warehouse entry shall be *in duplicate*.

**Excise Act—continued**

**24.** The last quantities of spirits which may be warehoused or ex-warehoused for consumption by one entry are as follows:—

(a) *For Warehouse:*

(i) One case.

*NOTE: A jug or demi-john, if not less than one imperial gallon content, containing spirits which have been bottled in bond may be treated for purposes hereof as one case.*

(ii) Five standard gallons in complete packages.

(b) *For Ex-Warehouse:*

(i) One case.

(ii) Five standard gallons. In no case shall any spirits be ex-warehoused except in complete packages.

*NOTE: Barrels and cases may not be ex-warehoused on the same entry.*

**EX-WAREHOUSING FOR EXPORTATION IN BOND**

**25.** Entry of goods ex-warehouse for exportation shall be made in *quadruplicate* on the forms authorized by the Minister, viz., B.54 "Entry for Export Ex-Warehouse" and shall contain an exact specification of the goods intended for exportation. (See Section 21). With every such entry an export bond shall be taken in the prescribed form.

**26.** Goods subject to duties of Excise shall only be exported in bond from a port where there is an officer of Customs and only to British or foreign ports of entry where there are Collectors or other officers of the Government having similar functions and when ex-warehoused for exportation may be such quantity as exporter or manufacturer respectively may require, within the discretion of the Collector, but nothing less than the contents of one whole package.

**27.** Where the port at which the goods are entered for exportation ex-warehouse is not also the port of exportation, the Collector shall cause two copies of the entry for exportation ex-warehouse (B.54) to be mailed promptly to the Collector at the port of exit where such goods are shipped for exportation out of Canada.

**28.** So soon as the goods have been duly laden, the Collector shall certify the fact on the "Ex-Warehouse for Exportation" entry, B.54, one copy whereof shall be filed in the port office and the other, together with one copy of Customs Export Entry, B.13, shall be returned to the Collector of the port from whence the goods were shipped.

**29.** These "Export Ex-Warehouse" entries, B.54, shall have recorded thereon the following particulars:—

(a) The date when said goods were exported.

(b) The name of railway or vessel by which the goods were exported and, if by railway, the initials and number of the car in which exported.

(c) The quantity and description of goods so exported.

(d) The number of Customs Export Entry (B.13) upon which such goods were exported out of Canada.

**30.** The Collector will in each case be charged with the responsibility of seeing the goods placed on board ship, car or other vehicle in which they are to be exported, and shall satisfy himself that they correspond with the description contained in the entry, and specially with reference to spirits, that they are of the strength specified.

**Excise Act—continued**

**31.** Where any shortage whatsoever occurs in goods so forwarded ex-warehouse for exportation and same are not accounted for to the department by exportation from Canada on Customs Export Entry Form B.13, it is the duty of the Collector at the frontier port where such goods were short received for exportation, to notify the Collector of the port from which such goods were shipped for exportation, on Form E.112, who shall require the consignor to pass entry and pay the lawful duty payable upon the goods short delivered at the frontier port.

**EXPORT CERTIFICATE**

**32.** Except as hereinafter stated, the following certificate shall be affixed by the Customs-Excise officer on the face of the B.54 entry forwarded to the department:—

“I,.....do hereby certify that I have examined all of the packages numbered.....to..... of the goods referred to in this entry and that I find the contents as herein represented.”

**EXPORT BONDS**

**33.** Export bonds, Form D. 57, for double the amount of Excise duty shall be conditioned for the due delivery of the goods bonded at the place designated in the entry within a specified time, which time in any case shall not exceed the time usually necessary for the performance of the voyage or journey by the conveyance adopted (allowing a reasonable time for detention within the discretion of the Collector) and for returning the vouchers by the next mail; and in no case shall the period allowed for the cancellation of the export bond exceed six months unless special authority has been granted by the Minister.

**34.** Export bonds covering Canadian Leaf or Foreign Leaf Tobacco upon which Customs duty has been paid (viz: Free Leaf), may be cancelled by Collectors without reference to the department upon production of Customs Export Entry, Form B.13, together with the certificate of the Collector at the port of exit, as required by Section 29 of these regulations.

**35.** Packages containing manufactured tobacco, cigars or cigarettes, packed in original legal packages, may be exported in bond, by post, by licensed manufacturers, provided entries required by the General Warehousing Regulations are passed therefor, and that a Customs-Excise officer accompanies the packages to the Post Office and obtains a receipt for such packages from the Postmaster, said receipt to be delivered to the Collector and accepted by him as a cancellation of the export bond without reference to the department.

**36.** Export bonds covering all other goods subject to duties of Excise shall be cancelled only after departmental authority has been obtained by letter in each instance. In pursuance of this, a copy of Form B.54 “Entry for Export Ex-Warehouse,” properly executed is, upon receipt, to be promptly forwarded by the Collector at the port of entry ex-warehouse to the department.

**37.** In addition to the considerations outlined in Sections 34 and 35, the department may, as a basis for authorizing cancellation of export bonds, accept as evidence of exportation from Canada the following:—



**Excise Act—continued**

1. (a) A duly authenticated landing certificate from the place to which the goods were exported of—
    - (i) a principal officer of Customs, or
    - (ii) a British or Canadian Trade Commissioner, or
    - (iii) a British or Canadian Consul,
 stating that the goods have been landed and duly delivered over to the Customs at some place (naming it) out of Canada, as provided by the said bonds, or
  - (b) A landing certificate as described in clause (a), bearing the impression of the official Customs seal of an officer of Customs at the point of entry in the United States, or
  - (c) A CONTINUOUS CUSTOMS CUSTODY CERTIFICATE from the United States Customs, or
  - (d) Documentary evidence satisfactory to the Deputy Minister showing that the goods have left Canada and have not been relanded in Canada, or, if relanded, that the proper entry has been made at Customs, or
  - (e) *When goods are exported via an ocean going vessel clearing for the high seas and bona fide destined to a foreign country without intermediate call at any Canadian port.*
    - (i) A statement, IN DUPLICATE, of a Canadian Customs-Excise Officer certifying that the goods were delivered on board the vessel, which statement shall be in the following words as appearing on the reverse side of Form B.54:—
 

“I, ..... Customs-Excise Officer,  
do hereby certify that the goods herein mentioned were  
checked and laden on board the S.S. ....  
at the Port of ..... on the .....  
day of ....., 19.....

Signature of Customs-Excise Officer,”
- and either
- (ii) A certified copy of the ocean bill of lading covering the goods, or
  - (iii) A receipt, IN DUPLICATE, from the Master or other duly authorized officer of the vessel, as provided for on the reverse side of Form B.54.

**38.** A report, on Form G.67, “Quarterly Return of Export Bonds Remaining Uncancelled in the Hands of the Collector of Customs and Excise”, is to be submitted at the end of each quarter.

#### EX-WAREHOUSING REMOVAL IN BOND

**39.** Entries for goods “For Removal Ex-Warehouse,” Form B.53, are to be made *in quadruplicate* with detailed specifications as in export entries, two copies of which, together with the Order Bill of Lading, are to be forwarded to the Collector of the port to which the goods are consigned.

**40.** The least quantity of such goods which may be ex-warehoused for removal or transfer in bond shall be that quantity which can, at the receiving point, be legally warehoused as prescribed by law.

**41.** Goods may only be entered for removal ex-warehouse to another licensed warehouse within the limits of a warehousing port of entry or to an Excise bonding warehouse previously licensed in another port.

**Excise Act—continued**

42. Removal bonds, Form D.56 (Revised), for treble the amount of Excise duty shall be conditioned for the due delivery of the goods as in the case of export bonds. (See Section 33.)

43. *When excisable goods for removal are consigned to the order of the Collector of Customs and Excise of the port to which they are to be removed*, removal bonds, Form D.56 (Revised), will be used. Such removal bonds will be duly signed by the person or persons entering the goods, subject to the following conditions:—

- (a) As permits for the removal of spirits are required by The Excise Act, such permits shall, in all cases, state that the goods to which they refer are to be so consigned.
- (b) The requisition for a permit to remove spirits under clause (a) shall, in every such case, state that the goods are to be “delivered into the possession of the Collector of the Customs and Excise Port,” to which they are to be removed; and across the face of such requisition is to be written the name of the party to whom (subject to the order of the Collector) the consignor desires the goods to be delivered.
- (c) The receipt given by the agent of the railway company (or other public carrier), usually known as the “Bill of Lading,” is to be made out correspondingly, and is to be placed in the hands of the Collector of the port whence the goods are to be shipped, and by him transmitted to the Collector of the port to which they are to be removed as above stated.
- (d) The Collector, upon being advised of their arrival, shall immediately notify the party for whom intended and will write across the face of the Order Bill of Lading before releasing same the following:—

“Deliver to ..... upon payment of freight and other charges.

.....  
Collector”

- (e) Collectors are particularly notified that all orders for the delivery of goods must be made expressly and in writing, “subject to the payment of freight and charges”, or they may, by the omission to specify such conditions, render themselves personally liable to the company for such payment in the event of default.

44. *When goods are removed in bond and not consigned to the order of the Collector* a removal bond shall be given with sureties acceptable to the Collector.

45. Collectors will, on arrival of the goods, examine them and ascertain whether they correspond with the removal entry and, as soon as the goods are placed in warehouse and a warehouse entry passed therefor, will certify to the fact on the removal entry and return it to the Collector of the port from which the goods were shipped.

46. Removal bonds may only be cancelled upon receipt of the removal entry bearing the certificate of the Collector of the port to which the goods were consigned that they have been received and re-warehoused.

**Excise Act—continued****EX-WAREHOUSING FOR CONSUMPTION**

**47.** Entry of goods "Ex-Warehouse for Consumption" will be made *in duplicate* on the prescribed forms, viz., B.52, and every such entry shall contain a full specification of the goods as in an export or removal entry.

**48.** On receipt of the duty accruing on the goods so entered, the Collector will sign the "Excise Delivery Order", C.53, for the delivery of the goods, and the officer in charge of the warehouse shall, before making delivery, identify every package with the description contained in the delivery order.

**TOBACCO AND CIGARS**

**49.** In addition to the regulations herein established, the warehousing and ex-warehousing of tobacco and cigars shall be further governed by the terms of the "Regulations Governing Tobacco and Cigars" established under authority of The Excise Act.

**RE-IMPORTATION OF EXCISABLE GOODS**

**50.** Excisable goods manufactured or produced in Canada, exported in bond to any country beyond the limits of Canada and brought back into Canada in the same condition as when exported and in the original packages, may be re-imported into Canada free of excise duty upon authority of the Deputy Minister, provided:—

- (a) the property in such goods continues in the same person or persons by whom they were exported;
- (b) that such re-importation takes place within five (5) years of the date of exportation;
- (c) that the identity of the said goods be established to the satisfaction of the department;
- (d) that all other regulations which may be prescribed in regard to such importation by the proper department be complied with;
- (e) that such goods, on re-importation, be warehoused subject to the Excise duties to which they would have been liable had they not been exported from Canada;
- (f) that spirits in barrels, kegs or drums will not be permitted re-importation under this section unless they have remained continuously in bond in the country to which exported.

**OFFICERS' SERVICES**

**51.** Every person to whom a licence for an Excise Bonding Warehouse is granted shall pay to the Collector of Customs and Excise, in addition to the licence fee named in The Excise Act, sufficient sums of money to cover the expenses incurred by the department for effective supervision. The supervision fee shall be at the rate of \$1.50 per hour. No visit shall constitute less than one hour, fractions of an hour being counted as whole hours.

**52.** The charges shall be payable at the end of each month and shall be determined by the Collector from the officer's diary, the amount collected to be accounted for through the Sundry Collections Cash Book.

**53.** If during the currency of an entire calendar month the services of the officer are not required, no charge for services will be made.



**Excise Act—continued**

54. When any person, company, commission or board operates under more than one Excise Bonding Warehouse licence, in the same port and premises, only one charge shall be made for officers' services to cover the aggregate hours of attendance.

**EX-WAREHOUSING FOR SHIPS' STORES**

55. Spirits, tobacco and cigars may be ex-warehoused free of Excise duty for ships' stores only to vessels bound on a voyage to a port out of Canada or from an Atlantic to a Pacific port of Canada or *vice versa*, and to fishing vessels clearing direct for the deep sea fisheries, or seal fisheries, or for delivery to British and foreign warships and telegraph cable ships for use on board of such vessels.

56. Entry of goods ex-warehouse for ships' stores shall be made in *quadruplicate* on the forms authorized by the department, viz., B.55 "Entry Free Ex-Warehouse for Ships' Stores" and shall contain an exact specification of the goods (See Section 21).

57. Entries on Form B.55 shall be accompanied by a bond, on Form D.57, for double the amount of Excise duty, except in cases where the licensee has deposited with the Collector an annual bond of an approved guarantee company for an amount sufficient to cover the maximum amount of Excise duty accruing on goods ex-warehouse for any shipment, but in no case less than \$5,000. Collectors shall ensure that either new bonds or continuation certificates are furnished for succeeding years.

58. Goods intended for ships' stores, if not already warehoused, shall have a warehouse entry passed therefor before being ex-warehoused for use as ships' stores.

59. Such goods, when forwarded from a place other than that from which the said vessels sail, shall be entered ex-warehouse, as in the case of goods for export, and shall be consigned to the order of the Collector of Customs and Excise of the port from which the ship clears.

60. Such goods shall only be consigned and delivered to vessels sailing from a port where a Collector of Customs and Excise is stationed.

61. The owner or agent of such vessels shall give a written guarantee to the Collector that such goods shall only be used on such vessels while on the high seas, and shall in no case be relanded in Canada without the specific permission of the department being obtained in each case.

62. The Master, or other duly authorized officer of the vessel to which such goods are delivered, shall give a duplicate receipt in writing therefor and such goods shall in all cases be accompanied on board the vessel by a Customs-Excise officer and by him delivered to the Master or other duly authorized officer.

63. Excisable goods, for ships' stores, shall be transported in a similar manner in every respect to goods being exported or removed from the warehouse and will not be required to be convoyed by an official of the department.

64. The Collector of the port from which the vessel sails shall forward to the Collector of the port from which the goods are shipped one copy of the receipt of the Master, or other duly authorized officer of the vessel, as

**Excise Act—continued**

to the delivery, which receipt shall also be countersigned by the officer who accompanied the goods on board the vessel and shall be authority for the Collector for the cancellation (without reference to the department) of the bond given when the goods were entered ex-warehouse.

**65.** The quantity of excisable goods so delivered at any one time shall be such reasonable quantity as may be required for a return voyage, of which the Collector shall be the judge, provided however, that the monthly consumption of duty free tobacco products shall not exceed 800 cigarettes or 2 pounds of tobacco per crew member.

**TRANSPORTATION OF IN BOND GOODS BY TRUCK**

**66.** Goods subject to duties of Excise may be shipped in bond in trucks, the property of a licensee responsible for the goods; or the property of other persons or firms acceptable to the Minister and who have furnished a bond of an approved guarantee company in an amount of not less than five thousand dollars, or ten thousand dollars when spirits are to be transported in tank trucks.

**67.** The guarantee bond is to be conditioned for the delivery of the goods in accordance with the Excise documents, and shall be in such wording as the Minister may determine.

**68.** Guarantee bonds and continuation certificates are to be forwarded to the department through the Collector of the port in which the transportation company maintains its head office.

**10. Regulations Governing Tobacco Packers and Canadian Raw Leaf Tobacco**

842-C, Revised.

The following regulations, effective on and after March 1, 1947, are established by the Minister of National Revenue under authority of the Excise Act, 1934, and Amendments (section 277).

*Regulations***DEFINITIONS**

**1.** For the purpose of these regulations the following definitions are established:—

- (a) "Canadian raw leaf tobacco" means tobacco grown in Canada, in natural state, not further processed than cured and tied in hands, and broken portions of the leaf known as scrap tobacco, but does not include stems and waste resulting from any process of handling such tobacco.
- (b) "tobacco packer" means a person licensed as such under the Excise Act, who purchases, prepares, stores, packs, packages, stems, has in possession and/or sells Canadian raw leaf tobacco.
- (c) "tobacco grower" means a person who grows and cures tobacco, and keeps same on his premises for sale to licensed packers, tobacco and cigar manufacturers, or for export.

**Excise Act—continued**

APPLICATIONS FOR TOBACCO PACKER'S LICENCE

2. Every person who performs any of the operations coming within the definition of "tobacco packer" shall be licensed as a tobacco packer.

3. The annual licence fee of fifty dollars shall be paid, and the bond of a guarantee company approved by the Minister in the sum of One Thousand Dollars, shall be furnished, before a licence may be issued.

4. Original applications for licence shall be made to the Collector of Customs and Excise within the limits of whose port the tobacco packer intends to transact business. Such applications shall be made on Form L.1 amended, *in triplicate*, and be accompanied by the following documents:—

- (a) Complete plans, drawn to scale in ink, on tracing cloth, or printed, *in triplicate*.
- (b) Form E-110, *in triplicate*.
- (c) Form E-114, *in duplicate*.

5. Plans and specifications shall bear the same date as all accompanying forms and shall be signed by the applicant or his duly authorized agent.

6. Applications for original, renewal, or transfer of licence, and changes in the premises, will be governed by regulations contained in Circular G-255 as revised.

7. Applications for licence are not to be accepted by Collectors unless the premises to be licenced are entirely separate and distinct from any place of residence and from any place where tobacco or tobacco products are sold by retail.

8. The Deputy Minister, upon authorizing issue of a new licence (on Form M.13), will allot each tobacco packer a designating number, which shall be assigned by the Collector, and which shall not thereafter be changed.

9. If a licence be granted to any person or firm not located in a municipality which has a resident Customs-Excise officer, any necessary travelling and other expenses incurred in the supervision thereof shall be borne by the licensee.

TOBACCO GROWERS

10. A tobacco grower may prepare, pack, and dispose of tobacco grown by him on his own land or premises, to the following persons and to none other:—

- (a) a licensed tobacco packer;
- (b) a licensed tobacco manufacturer;
- (c) a licensed cigar manufacturer;

or he may export such tobacco, with permission of the Collector of Customs and Excise, using permit Form E.132.

11. A tobacco grower is not permitted to deal in Canadian raw leaf tobacco other than that grown on his own land or premises.

12. Should a grower desire to receive, purchase, prepare, store, pack, package, stem, or have in possession, Canadian raw leaf tobacco other than that grown on his own land or premises, or to sell or dispose of Canadian raw leaf tobacco other than as provided by section 10, he shall be licensed as a tobacco packer.



**Excise Act—continued**PERMIT FOR TRANSPORTATION OF UNSTAMPED CANADIAN RAW LEAF  
TOBACCO FROM GROWER TO LICENSEE

**13.** The transportation of unstamped Canadian raw leaf tobacco WITHOUT A PERMIT is prohibited.

**14.** Serially numbered permit forms *in duplicate* (Form E.133), will be issued by Collectors of Customs and Excise to licensees (*viz.* tobacco packers, tobacco manufacturers and cigar manufacturers), and Collectors shall keep a careful record of the serial numbers.

**15.** Licensees will be required to account for every permit form entrusted to them and failure to do so shall constitute a breach of these regulations.

**16.** Licensees, having purchased Canadian raw leaf tobacco from a tobacco grower, shall fill in, *in duplicate*, the information called for on the permit form and present same to the Excise Officer in Charge for signature.

**17.** The Excise Officer in Charge shall sign both copies of the permit if same is found to be in order and if desired, may post date the granting of the permission to agree with the first delivery date shown in the body of the application.

**18.** These permits shall expire automatically after six clear days from the date of issue whether used or not. The six day limitation may be extended, however, at the time of issue, to a period not exceeding 120 days in cases where a licensee makes a *bona fide* written contract to purchase the crop of a grower and where such purchase exceeds one thousand pounds. The permit form is to be altered accordingly.

**19.** The ORIGINAL permit will be given to the licensee and be forwarded by him to the grower. The DUPLICATE permit will be filed by the Excise Officer in Charge, in consecutive order, on a special duplicate file.

**20.** The grower and the carrier shall ensure that the permit accompanies the tobacco to which it relates during transportation to the licensee and it shall be promptly produced for inspection by any officer of the Department of National Revenue or any member of the Royal Canadian Mounted Police, who shall endorse same as evidence of examination. Failure to produce a valid permit shall render the tobacco liable to seizure and forfeiture, together with all horses, vehicles and vessels which have been or are being used in transporting same.

**21.** The grower or carrier shall present his permit to the licensee on delivery of each and every load or lot and the licensee shall record, in the space provided, the date and quantity, followed by his signature.

**22.** The grower or carrier shall surrender the permit to the licensee immediately upon delivery of the entire quantity at the licensed premises, or upon its expiration whether the tobacco is delivered or not.

**23.** The licensee shall return the permit to the Excise Officer in Charge, within two clear days from the date of its expiration, whether the tobacco is delivered or not.

**24.** The Excise Officer in Charge shall file all returned original permits on a separate file after having compared same with the duplicates.

**Excise Act—continued**

**25.** In the event of a licensee refusing to accept delivery of a load or lot of Canadian raw leaf tobacco which has been transported under permit by a grower, such rejected tobacco may be legally returned to the premises of the grower only when accompanied by SPECIAL PERMIT FOR RETURN OF REJECTED TOBACCO (Form E. 138), properly executed by the licensee or his agent. These permits are to be prepared and dealt with in accordance with the instructions printed thereon. Illegal use of same constitutes a breach of these regulations.

**26.** SPECIAL PERMIT FOR RETURN OF REJECTED TOBACCO, Form E. 138, will be serially numbered and prepared in sets of three, in booklet form, for convenience. Collectors will issue these booklets to licensees after making careful record of the serial numbers.

**27.** When Canadian raw leaf tobacco is to be delivered by growers to temporary storage or concentration points for furtherance to the premises of the licensee, the permits on Form E. 133, given by licensees to growers, shall cover transportation from the growers' premises to the concentration point only. All tobacco so delivered shall be signed for on the permit by the licensee's agent or representative and upon completion of the delivery or expiration of the permit the grower shall surrender the permit to the agent or representative who shall forward same to the licensee for return to the Excise Officer in Charge.

**28.** Special blanket permits on Form E. 133, valid for a period not exceeding thirty days, may be issued to licensees by Excise Officers in Charge to cover transportation of the tobacco from the concentration point to the licensed premises. The licensee shall be responsible for return of these permits to the Excise Officer in Charge on or before the date of their expiration.

**29.** When special blanket permits on Form E. 133, are used, the quantity and information to be entered in book T.278A, "Tobacco Packers' Daily Record", shall be taken from the licensees' invoices, receipts or sales slips and the company's agent or representative at the concentration point shall insert on the invoice, receipt or sales slip the serial number of the grower's permit (Form E. 133). These quantities are to be checked by the Officer in Charge against the original permits when same are returned.

**30.** If the licensee has no agent or representative at the concentration point and the tobacco is being consigned by railway, steamship or other common carrier, to the licensee, the grower shall, upon completing delivery of the tobacco to the common carrier, forward his permit by mail to the licensee.

**31.** The Excise Officer in Charge shall compare the returned original permit file with the duplicate permit file not less frequently than once each week. The serial number and information contained on all original permits which have not been returned, as required by these regulations, shall be reported to the Collector for necessary action.

**TREATMENT OF CANADIAN RAW LEAF TOBACCO BY TOBACCO PACKERS**

**32.** The quantity, in pounds, of Canadian raw leaf tobacco taken into the premises is to be recorded as a debit in the "Tobacco Packer's Daily Record", Book T.278A, which shall also show the name and address of the person from whom received, together with the serial number of the permit under which the tobacco was transported to the licensed premises.

**Excise Act—continued**

**33.** Canadian raw leaf tobacco may be packed for the trade in any manner desired, but when packed for other than immediate shipment, a tag, Form E.120, shall be placed on each package, showing:

- (a) the name and address of the licensed packer;
- (b) the date;
- (c) the nature of contents;
- (d) the gross, tare and net weights.

Company tags or cards may be used in lieu of tag, Form E.120, if desired.

**34.** Canadian raw leaf tobacco, upon which duty has not been paid, may be disposed of by tobacco packers under authority of "Removal Permit", Form E.132, to the following persons or for the following purposes, and not otherwise:

- (a) a licensed tobacco manufacturer;
- (b) a licensed cigar manufacturer;
- (c) a licensed bonded warehouse;
- (d) another licensed tobacco packer;
- (e) export.

NOTE.—"Removal Permit", Form E.132, is not to be used when disposing of Canadian raw leaf tobacco for fertilizer or insecticide purposes. (See Section 51).

**35.** "Removal Permit", Form E.132, is to be made *in duplicate* for transfers from one licensee to another within the same port. When the tobacco is intended for removal to a licensee in another port, the permit is to be made *in triplicate*.

**36.** The Collector of the port from which the tobacco is shipped is to transmit to the Collector of the port to which the tobacco is consigned, two copies of the permit, Form E.132. The Collector at the receiving port will, so soon as the tobacco has been received and entered to the debit of the "Daily Record" of the consignee and in Book T.219, "Record of Raw Leaf Tobacco Brought Into Or Removed from Licensed Premises", return to the Collector at the shipping port one copy of the permit bearing the proper acknowledgment of receipt of the tobacco.

**37.** These permits shall be consecutively numbered beginning with No. "1" in each fiscal year. One copy of each permit issued will be placed, by the Collector, on a special file. The other copy, when returned by the Excise Officer in Charge of the licensed premises (if the transfer is within the port), or by the Collector of the port to which consigned (if the tobacco has been removed to a licensee in another port), shall, after it has been examined by the Collector in order to see that it bears the proper acknowledgment, be placed on a corresponding duplicate file.

**38.** A port record of the permits issued for the removal or export of the tobacco referred to under this heading shall be kept in Book T.219.

**39.** When Canadian raw leaf tobacco is exported the same procedure will be followed as in the case of stemmed leaf tobacco. (See Section 50.)

**40.** The ascertained quantity, in pounds, of Canadian raw leaf tobacco disposed of is to be shown as a credit in the respective columns of the "Tobacco Packer's Daily Record", together with the name and address of the consignee.



**Excise Act—continued**

STEMMING OF CANADIAN RAW LEAF TOBACCO

**41.** Tobacco packers are permitted to stem Canadian raw leaf tobacco.

**42.** The stemming of Canadian raw leaf tobacco is to be carried on exclusively on premises licensed under the Excise Act and any packer who permits tobacco to be stemmed for him otherwise than on his own licensed premises shall be liable to cancellation of his licence in addition to any other penalties prescribed by the Excise Act.

**43.** The quantity, in pounds, of Canadian raw leaf tobacco taken for stemming is to be credited in the "Tobacco Packer's Daily Record", T.278A, and debited in the "Tobacco Packer's Stemming Record", T.278B.

**44.** Stemmed raw leaf held in stock on the packer's premises shall be stored separate and distinct from unstemmed leaf, and shall be tagged as in the case of unstemmed leaf. (See Section 33.)

**45.** The licensee shall record, day by day, or as frequently as transactions occur, in the "Tobacco Packer's Stemming Record", T.278B, the quantity of leaf stemmed and disposed of; the manner in which the same was disposed of; also the quantity of stems and waste produced and how disposed of. Broken portions of leaf, known as scrap, is to be disposed of by return to the "Packer's Account". All weights are to be recorded in pounds net.

**46.** Discrepancies between the quantity of stemmed leaf produced and the quantity shipped may be accounted for by entries in the "Daily Record" during the current month. Deficiencies are not to exceed ten per cent of the quantity produced.

**47.** Stems and waste may be disposed of without restriction except that when shipped to a licensee, Permit Form E.132 is to be used.

**48.** Stemmed leaf may be removed to, or for the following purposes exclusively, Form E.132 being used:

- (a) a licensed tobacco or cigar manufactory;
- (b) a bonding warehouse;
- (c) a licensed tobacco packer;
- (d) export in bond.

**49.** Tobacco packers may case Canadian raw leaf tobacco with fluid flavouring materials before the actual stemming operation, provided an undertaking be given to the department in writing to the effect that all unstemmed raw leaf cased will be stemmed.

EXPORTATION

**50.** When Canadian raw leaf tobacco (stemmed and unstemmed) is exported by a licensed tobacco packer or a grower, the consignor will be required to complete Form E.132, *in duplicate*, altered to suit export purposes, with an accompanying Form D.57 (Export Bond), which bond will be given in an amount of double the current rate of duty on manufactured tobacco. The necessary B.13 Customs form shall be made *in*

**Excise Act—continued**

*quadruplicate*. One copy of Form E.132 shall be retained at the port office, and the duplicate forwarded to the port of exit for certification by the Customs Officer and return to the consignor port, together with one copy of the completed B.13, which will be attached to the bond, Form D.57, and will constitute cancellation of bond.

## TOBACCO FOR FERTILIZER, INSECTICIDE, ETC.

**51.** Canadian raw leaf tobacco unfit for sale, including broken portions of leaf, known as scrap, may be disposed of without restriction for fertilizer, insecticide or other similar purpose, provided it has been rendered unfit for smoking by spraying or mixing, in the presence of the Excise Officer in Charge, with not less than the proportions shown of any of the following denaturants:

- (a) ten per cent by weight of kerosene,  
or
- (b) ten per cent by weight of peat moss,  
or
- (c) ten per cent by weight of bone meal,  
or
- (d) ten per cent by weight of sulphur,  
or
- (e) five per cent by weight of lime hydrate,  
or
- (f) a mixture consisting of twenty-five pounds of naphthaline dissolved in gasoline, to which is then added one-half gallon of carbolie acid,—this quantity to be added to each one thousand pounds of tobacco;
- (g) any other departmentally approved denaturant.

Credit for the tobacco content is to be entered in the "Tobacco Packer's Daily Record" as "destroyed" by authority of this circular.

## STEMS AND WASTE

**52.** Stems and waste may be disposed of by the licensee without restriction but such stems and waste are to be weighed and the net pounds so found are to be recorded in the proper column as a credit in the "Tobacco Packer's Daily Record" or "Tobacco Packer's Stemming Record" as the case may be. Credit may not be taken for stems in the "Tobacco Packer's Daily Record".

## CANADIAN RAW LEAF TOBACCO FOR CONSUMPTION

**53.** Excise duty at the rate prescribed by the Excise Act shall be paid by the licensee on all Canadian raw leaf tobacco sold for consumption.

**54.** No less quantity than five pounds of Canadian raw leaf tobacco shall be sold or removed from the premises of any licensed tobacco packer.

**55.** Excise duty shall be paid on all Canadian raw leaf tobacco samples used by the trade, by means of stamps, which are to be affixed as in the case of Canadian raw leaf tobacco for consumption.

**Excise Act—continued**

REPACKING AND REFUND

**56.** When duty paid Canadian raw leaf tobacco is returned to a licensed tobacco packer for repacking a refund of the Excise duty paid, less one cent per pound, may be given under the following conditions:

- (a) The licensed tobacco packer shall notify the Collector of his intention to apply for refund and shall give particulars as to the quantity to be repacked.
- (b) The Excise Officer is to ensure that there is affixed to each hand of tobacco for repacking a complete, unbroken and legibly cancelled stamp bearing the registered number of the licensed packet applying for such refund.
- (c) The quantity, in pounds, as represented by the stamps attached to the hands, shall be debited in the "Tobacco Packer's Daily Record".
- (d) The stamps are to be detached from the hands by the licensed packer in the presence of the Excise Officer who will forward the stamps to the Collector for checking against the claim for refund and for later destruction.
- (e) A statement, *in triplicate*, jointly certified to by the licensee and the Excise Officer, shall accompany the stamps showing:
  - (1) the name and registered number of the tobacco packer;
  - (2) the total number of stamps and their denomination;
  - (3) the quantity, in pounds, represented by the stamps;
  - (4) that the stamps were detached in the presence of the Excise Officer;
  - (5) that the stamps for which refund claim is to be made were taken from the identical hands of tobacco brought in and charged in the Daily Record;
  - (6) that the tobacco is suitable for re-sale as Canadian raw leaf;
  - (7) that the tobacco is the product of the licensed tobacco packer named.
- (f) Applications for refund of duty paid are to be made monthly, through the Collector, on Form N. 4, amended to suit, *in triplicate*.
- (g) The Collector shall attach a statement to the departmental copies of the claim certifying that the stamps enumerated in the claim were checked and destroyed by him and that such stamps agree in all particulars with the claim.

PACKAGING

**57.** Canadian raw leaf tobacco shall be considered as properly packaged when put up in hands not exceeding  $\frac{1}{4}$ ,  $\frac{1}{2}$  or 1 pound, actual weight, and securely tied at the butt with a leaf, or a portion of a leaf, or with string or other material.

**58.** Broken portions of the leaf, known as scrap, which cannot be tied in hands shall be put up in five and ten pound packages or bales. This scrap tobacco shall be pressed between cardboards, reinforced with wooden slats and be bound and securely fastened by wire.



**Excise Act—continued**

## SUPPLY OF STAMPS

**59.** Serially numbered stamps for Canadian raw leaf tobacco, in denominations of  $\frac{1}{4}$ ,  $\frac{1}{2}$  and 1 pound, may be obtained by licensees from Collectors of Customs and Excise by the use of requisition, Form B.56A, *in quadruplicate*, and payment of duty at the current rate per pound, actual weight, as prescribed by the Excise Act and amendments.

**60.** The Collector will return one copy of Form B.56A to the licensee, forward one to the department and retain one for his file. The remaining copy, bearing the port stamp and entry number as evidence of purchase, shall be supplied to the Excise Officer in Charge. This form shall bear a serial requisition number commencing, as respects each licence, with No. "1" at the beginning of each fiscal year. The officer's copies are to be retained on file for the use of the Inspector of Excise.

**61.** No one other than a licensed tobacco packer shall be permitted to purchase Canadian raw leaf tobacco stamps.

**62.** A tobacco packer shall not sell or otherwise dispose of stamps to another licensee or any other person whatsoever.

**63.** Tobacco packers will be held strictly accountable for all stamps purchased.

**64.** When stamps are received by a licensee, same are to be debited in the stamp account of the "Tobacco Packer's Daily Record" and credited when taken for use.

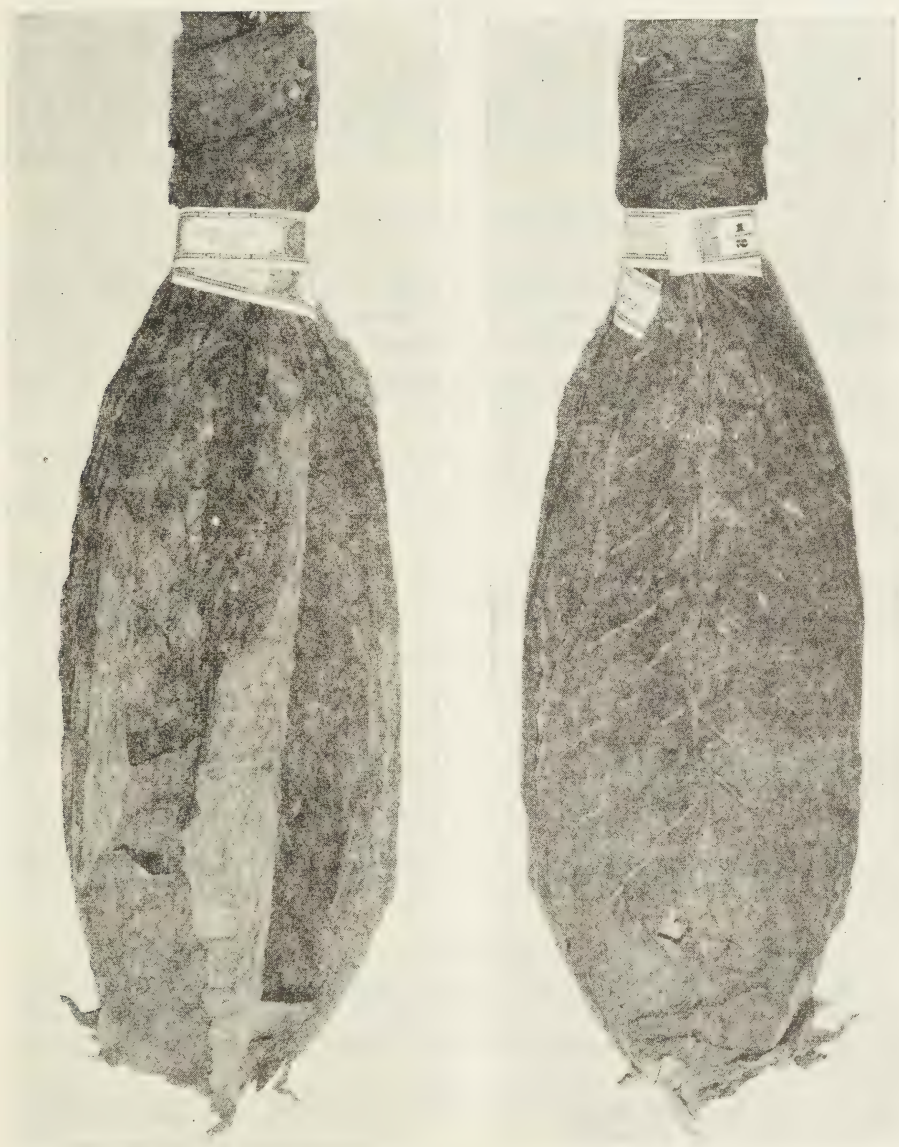
## STAMPING

**65.** Stamps shall be securely affixed by the licensed tobacco packer to the hand of tobacco by interlacing one end between the leaves and winding the remainder of the stamp around the butt or stem end in such manner as to leave the denomination and cancellation panels exposed. All portions of the stamp are to be securely affixed with the adhesive either to the tobacco or to the stamp itself in its winding course, as shown in the illustration on the back of this circular.

**66.** Broken leaves of Canadian raw leaf tobacco, known as scrap, when packaged as herein required (see section 58), may be disposed of for consumption provided sufficient one pound stamps are affixed in such manner that when the wires are broken the stamps are destroyed.

**67.** The stamp or stamps affixed to hands or packages shall be of such denomination as to correctly represent the actual weight of the tobacco.

**68.** Every stamp on every package of Canadian raw leaf tobacco shall be cancelled by the licensee before removal from the licensed premises by printing or stencilling thereon in a legible manner, in the space provided for that purpose, the port number and the registered number of the factory. The cancellation may be made by means of a roller stamp supplied by the department, or may be printed.



Illustration—See Section 65.

**Excise Act—continued**

## RETURNS

**69.** On or before the third working day of each month every licensed tobacco packer shall prepare and deliver to the Excise Officer in Charge a return, on Form K.57 *in triplicate*, which shall be separate and distinct for each month and shall relate to the month last preceding the date of making such return. The Excise Officer in Charge, after checking and having it attested to by the licensee, shall forward all three copies to the Collector, who, after checking and signing the return, shall retain one copy, forward one copy to the District Inspector of Excise, and the other to the department.

## DISCREPANCIES IN STOCK

**70.** Licensed tobacco packers shall take stock at least once each year and shall immediately thereafter furnish the Collector with a sworn statement showing the quantity in pounds, of Canadian raw leaf tobacco on hand at the licensed premises as shown by stock-taking.

**71.** This statement shall show separately the quantities held by the "Packer's" account from that held by the "Stemming" account.

**72.** The discrepancies found between the quantities as shown by the statement and the quantities shown as ledger balances in the "Daily Records" are to be accounted for in the respective ledger accounts on that date.

**73.** If, in the opinion of the Collector, these discrepancies are excessive, the accounts shall be investigated and the facts reported to the department.

## RETAILERS

**74.** Retailers shall not purchase, have in possession, offer for sale, sell or otherwise dispose of Canadian raw leaf tobacco other than in whole and unbroken packages or hands bearing revenue stamps as evidence of payment of duty.

## TOBACCO AND CIGAR MANUFACTURERS

**75.** Licensed tobacco and cigar manufacturers shall not produce or deal in Canadian raw leaf tobacco for consumption.

## GENERAL

**76.** The revenue stamp on hands or packages of Canadian raw leaf tobacco is to be broken or torn before any of the tobacco may be taken for use. Failure to do so renders the user liable to the penalties provided by the Excise Act.

**77.** No one shall have in possession unstamped Canadian raw leaf tobacco except the following:

- (a) a bona fide tobacco grower, on his own land or premises;
- (b) a person in charge of a vehicle or vessel actually transporting tobacco under authority of a permit given under provisions of these regulations;
- (c) a licensed tobacco packer;
- (d) a licensed tobacco manufacturer;
- (e) a licensed cigar manufacturer;
- (f) the proprietor of a Customs-Excise bonded warehouse.



**Excise Act—continued**

78. The attention of all persons concerned is directed to the provisions of section 280 of the Excise Act, which reads as follows:

“280. (1) Everyone who, except as herein specially provided, without having a licence as by this Act required, disposes of, sells, offers for sale, purchases or has in his possession Canadian raw leaf tobacco without having the requisite stamp affixed and the duty paid thereon is guilty of an indictable offence and liable to a penalty not exceeding two hundred dollars and not less than fifty dollars, and in default of payment of such penalty, to a term of imprisonment not exceeding three months and not less than one month.

(2) Any tobacco so found which is not packaged and stamped as by this Act provided shall be forfeited to the Crown and be seized and dealt with accordingly.

(3) It shall not be deemed an offence against the provisions of this section for a grower to have in possession on his premises tobacco grown by him on his own land or property but such tobacco may only be disposed of, sold or offered for sale by the grower to persons licensed and entitled to receive such tobacco as by this Act and regulations provided.”

1st MARCH, 1947.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**11. Regulations Governing the Supply of Alcohol to Licensed  
Druggists**

725-C, 2nd Rev.

June 1, 1947.

The following regulations, issued under authority of the Excise Act, 1934, and amendments (section 141), shall govern the purchase and disposal, by druggists, licensed by the Minister of National Revenue, of alcohol at a reduced rate of Excise duty for the preparation of prescriptions for medicines and for the manufacture of pharmaceutical preparations:—

**LICENCES**

1. Application for licence shall be made *in triplicate*, on Form L.18 Amended, to the Collector of Customs and Excise within the limits of whose port the druggist is transacting business.

2. A licence fee of \$2 shall accompany the application for licence.

3. The Collector shall make careful enquiry as to the integrity of the applicant and, if satisfied, shall sign the “Certificate of Rectitude” on the back of the application form.

4. The bond of an approved guarantee company in the sum of \$1,000 shall be furnished.

5. Each licence will terminate on the 31st of March in each year.

6. The application shall then be forwarded by the Collector to the District Inspector of Excise Duty for examination and approval who, upon approving same, shall forward the application to the department for authorization.

**Excise Act—continued**

7. The Collector will not issue a licence until authorization has been received from the department; the requisite bond, in the form prescribed by the department, deposited with him and the licence fee paid.

8. The licence fee will be accounted for in the Excise Duty Cash Book, and after endorsing the application papers, the Collector will send one set to the department, deliver one set to the applicant and file one in his office.

9. When any person or company operates more than one store, a separate licence and guarantee bond shall be furnished in respect of each store.

10. Application for Renewal of Licence, on Form L.18 Amended, endorsed "Renewal", shall be made in the month of February in order that the licence may be issued on or before April 1, upon payment of the annual licence fee and submission of a new guarantee bond or guarantee bond continuation certificate.

**PURCHASES FROM DISTILLERS**

11. Licensed druggists may purchase from distillers matured or unmatured alcohol testing not less than fifty per cent over proof in minimum quantities of five (5) standard gallons, Excise duty at the rate of \$1.50 per proof gallon having been paid thereon. The registered number of the druggist's licence must be quoted on each order.

12. Delivery of the alcohol may not be made by the distiller until the registered number of the licence supplied by the druggist is found to correspond with the "Official List of Licences."

13. When alcohol is shipped by distillers to licensed druggists located in a port other than that in which the distillery is situated, it is to be consigned on a Bill of Lading made to the order of the Collector of Customs and Excise at destination, the Bill of Lading to be delivered by the distillers to the Collector of Customs and Excise of the port of shipment for transmission, by mail, to the Collector of the receiving port.

14. Upon receipt of the spirits, the druggist is to endorse on the face of the permit, Form T.204, covering shipment, that the spirits have been received and entered in his official records, after which the permit should be forwarded to the Collector.

15. The Collector, upon receiving the permit bearing notation, as referred to in the preceding section, shall ensure by visit or examination of subsequent monthly return that details of the shipment have been properly entered as indicated, after which the permit may be destroyed.

16. Form K.66 Amended, *in triplicate*, is to be kept by the licensee, in which shall be entered, at the time of receipt, the quantity of each lot of alcohol purchased; the date of receipt; name and address of the distiller; standard gallons; strength; proof gallons and quantity of alcohol in fluid ounces. (160 fluid ounces equal one Imperial gallon.)

17. Entries, on Form K.66 Amended, covering disposal of the alcohol are to be written up, *in triplicate*, day by day, *on the same day* in which the transaction occurs and shall show in respect of each and every operation: date when used; name of pharmaceutical preparation or number of prescription dispensed and quantity of alcohol (in fluid ounces) used.

**Excise Act—continued**

**18.** Two copies of report, Form K.66, covering each month's transactions, the accuracy of which shall be sworn to by the licensee, is to be delivered by him to the Collector on the first day of the month next succeeding that in which the said transactions occurred. The Collector, having examined the return for accuracy, shall file one copy for record and forward the other to the department.

**19.** A prescription for alcohol alone is not to be filled from stocks of alcohol purchased direct from a distiller under these regulations.

**20.** The licensee is forbidden to use more than five (5) standard gallons in any calendar month for the purposes herein defined, nor will he be permitted to use this alcohol in the preparation of extracts for sale as such, or for lotions or perfume preparations, except under prescription.

**21.** Annual statements, on Form G.64, *in duplicate*, are to be completed, by licensees, showing the transactions in alcohol for the fiscal year. These statements are to be submitted to the Collector not later than the fifth day of April in each year. The Collector shall verify same, forward one copy to the department and retain the other for the port file. This form, as applied to licensed druggists, will not require to be signed above the line provided for the signature of the Excise Officer in Charge.

PURCHASES FROM GOVERNMENT VENDORS

**22.** Druggists may likewise purchase domestic alcohol, testing not less than fifty per cent over proof, from a government vendor, or other person lawfully authorized to sell the same, the regular Excise duty having been paid thereon.

**23.** Reports, on Forms K.66 Amended, are to be properly executed and submitted as provided by sections 16, 17 and 18 herein, in respect of all alcohol purchased from a government vendor or other person lawfully authorized to sell same.

**24.** In respect of alcohol so purchased and used for the purposes herein specified; claims for drawback of the difference between the regular Excise duty paid thereon and the rate payable if purchased direct from the distiller, may be forwarded, through the Collector, to the department quarterly.

**25.** If the alcohol be purchased from a government or authorized vendor, no claim for drawback of duty will be paid on the quantity used in excess of five Imperial gallons per month unless specially authorized by the department.

**26.** Claims for drawback shall not be allowed unless presented to the department with complete evidence attached, before the close of the quarter succeeding that in which the spirits were used.

**27.** Claims for drawback shall be supported by the affidavit of the Claimant, on the forms prescribed by the department, specifying the use made of the spirits and be accompanied by a copy of the receipted invoice bearing a certified statement of the vendor showing,—

- (a) strength of proof of the spirits sold;
- (b) name and address of the manufacturer;
- (c) marks and numbers of the original packages in which the spirits were received from the distillery.



**Excise Act—continued**

**28.** Any breach of these regulations shall constitute an indictable offence, and in addition to the penalties provided by The Excise Act, will subject the offender to cancellation of his licence.

**29.** Collectors are instructed to ensure that every druggist licensed under The Excise Act has been furnished with a copy of these regulations.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**12. Denatured alcohol and specially denatured alcohol—consolidated departmental regulations**

488-C, Fifth Revision  
May 1, 1949.

Under the provisions of Part VII of the Excise Act, 1934, the manufacture and sale of Denatured Alcohol and Specially Denatured Alcohol, as therein defined, is placed under the control of licensed distillers, subject to such conditions as the Minister may by regulations prescribe.

The following regulations, effective this date, are therefore established for governance of the manufacture and sale of such goods.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

*Regulations*

**1.** Manufacture and sale, by licensed distillers, of the grades hereinafter mentioned have been approved, all of those referred to as "SDAG No. 1", representing Specially Denatured Alcohol, the sale of which is restricted to persons or firms holding permits issued by the department, and as "DAG No. 2", representing Denatured Alcohol which may be sold without restriction.

**Excise Act—continued**

SPECIFICATIONS AND USE OF VARIOUS GRADES

SPECIALLY DENATURED ALCOHOL

Grade No.	Composition	Authorized Use
SDAG No. 1-A.	90 gallons of Ethyl Alcohol (65% O.P.)	In the arts and industries under departmental permit. By licensed bonded manufacturers of perfumed spirits, for the manufacture in bond of perfume.
SDAG No. 1-B	10 gallons of Wood Alcohol. 100 gallons of Ethyl Alcohol (65% O.P.) 800 grains of Amorphous Quassin. When Imported Rum is denatured in lieu of Ethyl Alcohol (65% O.P.) the admixture shall be in proportions (irrespective of the strength—weaker than 65% O.P.) as required for domestic non-potable spirits above specified, and shall be subject to an Excise duty of 30 cents per proof gallon collected when taken into the distillery for denaturation, under authority of Section 221 of the Excise Act, 1934.	
SDAG No. 1-C.	96 gallons of Ethyl Alcohol (65% O.P.) or rum. 4 gallons of Nicotine Sulphate Solution, $\frac{1}{4}$ oz. of Methylene Blue.	By licensed tobacco and cigar manufacturers, for flavouring of tobacco.
SDAG No. 1-D.	100 gallons of Ethyl Alcohol (65% O.P.) 12 lbs. Iodine. 12 lbs. Potassium Iodide.	For the manufacture of Tincture of Iodine.
SDAG No. 1-E.	90 gallons of Anhydrous Ethyl Alcohol. 9 gallons of Anhydrous Methyl Alcohol. 1 gallon of Benzol. At the direction of the Minister, some other substance may be substituted for Benzol, to act as a warning that this alcohol is poisonous. In no case, however, shall the ratio of Ethyl Alcohol to Methyl Alcohol be allowed to rise above ten to one.	In the arts and industries, under departmental permit.
SDAG No. 1-F.	99 gallons of Ethyl Alcohol (65% O.P.) 1 gallon Castor Oil 500 grains Brucine sulphate 800 grains Quassin. 2800 grains Camphor.	As rubbing alcohol compound.
SDAG No. 1-G.	90 gallons of Ethyl Alcohol (65% O.P.) 10 gallons of Anhydrous Methyl Alcohol.	In the arts and industries under departmental permit.
SDAG No. 1-H.	100 gallons of Anhydrous Ethyl Alcohol. 7 gallons of Ethyl Acetate. 10 gallons of Toluol. or 100 gallons Anyhdrous Ethyl Alcohol, 7 gallons Ethyl Acetate, 5 gallons Solvent Naphtha.	In the arts and industries under departmental permit.
SDAG No. 1-J.	100 gallons of Ethyl Alcohol (65% O.P.) 7 gallons of Ethyl Acetate. 10 gallons of Toluol. or 100 gallons Ethyl Alcohol (65% O.P.) 7 gallons Ethyl Acetate. 5 gallons Solvent Naphtha.	In the arts and industries under departmental permit.
SDAG No. 1-K.	100 gallons of Anhydrous Ethyl Alcohol. 5 gallons of Anhydrous Methyl Alcohol.	In the manufacture of Insulin.
SDAG No. 1-L.	100 gallons of Ethyl Alcohol (65% O.P.) 10 gallons of Acetone.	For use in any university or scientific and research laboratory approved by the Minister.
SDAG No. 1-M.	100 gallons of Ethyl Alcohol (65% O.P.) 5 gallons of Wood Alcohol. 100 oz. Sodium Hydroxide (Caustic Soda)	In the arts and industries under departmental permit.
SDAG No. 1-X.	98 gallons of Ethyl Alcohol of a strength of not less than 65% O.P. 2 gallons of Benzol, regardless of the strength of the alcohol.	In the manufacture of explosives under departmental permit.
SDAG No. 1-XS.	99.5 gallons of Ethyl Alcohol of a strength not less than 65% O.P. 0.5 gallon of Benzol, regardless of the strength of the alcohol.	In the manufacture of smokeless powder under departmental permit.

## Excise Act—continued

## DENATURED ALCOHOL

Grade No.	Composition	Authorized Use
DAG No. 2-A.	85 gallons of Ethyl Alcohol (65% O.P.) 15 gallons of Wood Alcohol.	In the arts and industries without restriction.
DAG No. 2-B.	90 gallons of Ethyl Alcohol (65% O.P.) 9.5 gallons of Wood Alcohol. 0.5 gallon of Pine Oil.	In the arts and industries without restriction.
DAG No. 2-C.	90 gallons of Ethyl Alcohol (65% O.P.) 9.5 gallons of Wood Alcohol. 0.5 gallon of Pyridine Bases. or 93.5 gallons of Ethyl Alcohol (65% O.P.) 6 gallons of Wood Alcohol. 0.5 gallon Pyridine Bases. Provided that the distiller must add sufficient colouring material to ensure that the product will have a distinctive colour.	In the arts and industries without restriction.
DAG No. 2-D	90 gallons of Ethyl Alcohol (65% O.P.) 9 gallons of Wood Alcohol. 1 gallon of Benzine. or 93 gallons Ethyl Alcohol (65% O.P.) 6 gallons Wood Alcohol. 1 gallon Benzine. Provided that the distiller must add sufficient colouring material to ensure that the product will have a distinctive colour.	In the arts and industries without restriction.
DAG No. 2-E.	90 gallons of Ethyl Alcohol (65% O.P.) 9 gallons of Wood Alcohol. 1 gallon of Solvent Naphtha.	In the arts and industries without restriction.

Quoted hereunder for the information of all concerned are provisions of section 319 (1) of The Excise Act, 1934:—

319. (1) Everyone who uses spirits containing methyl alcohol in any pharmaceutical or medicinal preparation intended for internal use shall be liable to a penalty of five hundred dollars.

## SPECIFICATIONS OF DENATURANTS

2. The following are the specifications approved by the Minister for denaturants of Ethyl Alcohol of the respective authorized grades.

These specifications must be complied with, otherwise the use of the denaturants to which they refer will not be approved.

3. ACETONE.—The material shall be Acetone as recognized by the ordinary reactions and conforming to the following minimum standards of purity.

When, to 100 ml. of acetone in a glass stoppered graduated flask, 0.5 ml. of N/10 potassium permanganate solution (3.161 grams per litre) is added, the pink colour shall not disappear in less than 15 minutes.

When 25 ml. of Acetone are added to 25 ml. of petroleum ether, a clear uniform mixture shall result.

4. BENZINE.—This must be a hydrocarbon product of petroleum.

On distillation, not more than 1 per cent by volume may pass over at or below 140°C., and not less than 90 per cent by volume must pass over below 250°C.

The method of distillation shall be as follows: Into a glass Engler distillation flask of 250 ml. capacity, 100 ml. of the liquid under examination is introduced. The flask is fixed over an asbestos or quartz plate



**Excise Act—continued**

having a circular opening 60 mm. in diameter immediately below the bottom of the flask. The neck of the flask is closed by a stopper through which passes a thermometer so adjusted that its mercury bulb is directly opposite the opening of the side tube. This latter is connected to a wide glass tube which acts as an air-cooled condenser, the boiling being so conducted that 5 ml. of oil pass over in one minute.

**5. BENZOL.**—This must be the hydrocarbon product derived from coal by distillation and known commercially as "Benzol".

On distillation, not more than 1 per cent by volume may pass over below 77°C., and not less than 90 per cent by volume must pass over below 100°C.

The method of distillation shall be the same as that laid down for Benzine, except that the opening in the asbestos plate shall have a diameter of only 30 mm. and a water-cooled condenser shall be substituted for the air-cooled condenser.

**6. BRUCINE SULPHATE.**—This must be a good commercial grade of Brucine Sulphate. It must show the following characteristics:

When a drop of cold nitric acid (sp. gr. 1.42) is added to a crystal of the material, a blood-red colour should be produced. When the mixture is heated, the colour should change to yellow, but when subsequently cooled and treated cautiously with stannous chloride, the colour should become purple. This purple colour should disappear when an excess of either nitric acid or stannous chloride is added.

When dried to constant weight at 110° C. the material must not lose more than 12 per cent of its original weight.

When one gram of the material is ignited in a platinum dish, it must not leave an appreciable residue.

The material must show the ordinary analytical reactions characteristic of sulphates.

**7. CAMPHOR.**—This may be either the natural or the synthetic compound. When 1 gram of the material is weighed on a watch glass and subsequently heated on a water bath, it must leave a residue of not more than 1 milligram.

**8. CASTOR OIL.**—This shall be a good grade of "first press" Castor Oil, not so refined as to interfere with the natural taste or smell. When 50 ml. contained in a Nessler Tube, is examined for colour, it shall not have a deeper tint than 50 ml. of water to which has been added 0.15 ml. of a deci-normal solution of iodine.

**9. ETHYL ACETATE.**—This must be a good commercial grade of Ethyl Acetate. The "saponification number" of the material must be not less than 573.

**10. IODINE.**—This must be resublimed Iodine. When 1 gram is placed on a watch glass and heated on a water bath, it must not leave a residue of more than 1 milligram.

**11. METHYL ALCOHOL ANHYDROUS.**—This must be a highly purified grade of methyl alcohol. It must not show any appreciable proportion of acetone when submitted to the usual tests. It must have a sp. gr. not greater than 0.7994 at 60° F./60° F.

**Excise Act—continued**

Its refractive index must be such as to confirm the assumption that the liquid consists of methyl alcohol only, or of methyl alcohol with such amount of water as may be deduced from its specific gravity.

**12. METHYLENE BLUE.**—This is the blue dye also known as Methylthionine Chloride in the British Pharmacopeia. It must show not less than 80 per cent of the pure dye when assayed according to the methods specified in the B.P. 1932 or the U.S.P. XI.

**13. NICOTINE SULPHATE SOLUTION.**—This must be an aqueous solution of nicotine sulphate which must show not less than 0.5 gram of nicotine in 100 ml. when tested in the following manner:—

Measure 100 ml. of the solution into a 500 ml. Kjeldahl flask provided with a suitable bulb spray-trap. Add 30 ml. of a saturated solution of barium hydroxide and distill in a current of steam until the distillate is no longer alkaline. Slightly acidify the distillate with sulphuric acid and evaporate till its volume is about 50 ml. Transfer it to a 100 ml. graduated flask and make strongly alkaline by the addition of sodium hydroxide solution.

If necessary, clarify by adding a few drops of barium chloride solution and allowing the precipitate to settle. Dilute to 100 ml. and observe its rotatory power in a saccharometer. The amount of nicotine is calculated from the fact (j light) corresponds to 0.220 gram of nicotine in each 100 ml. of solution, a 2 decimetre observation tube being used.

**14. PINE OIL.**—This must be a good commercial grade of pine oil produced by steam distillation. Its sp. gr. must be not greater than 0.950 at 60° F./60° F.

**15. POTASSIUM IODIDE.**—This must be a good commercial grade of Potassium Iodide.

**16. PYRIDINE BASES.**—This must conform to the following requirements:—

It must show the ordinary analytical reactions of pyridine and must possess the penetrating smell characteristic of that compound. This smell must remain distinctly noticeable when the material is diluted with 500 times its volume of water.

**Water Content.**—Shake 20 ml. of the material with 20 ml. of sodium hydroxide solution, made by dissolving 506 grams of the alkali in water and diluting to 1 litre.

On standing the fluids should separate into two layers, of which the upper must measure not less than 18.5 ml.

**Alkalinity.**—Measure 25 ml. of the pyridine bases into a graduated flask and make up to 250 ml. with water. After thoroughly mixing, titrate this solution against 20 ml. of sulphuric acid (N), using methyl orange as the indicator. Not more than 21 ml. of the diluted pyridine solution must be required to change the indicator colour to a full yellow.

**17. QUASSIN.**—This must be a good commercial grade of purified Amorphous Quassin.

When 0.4 gram is added to 20 ml. of alcohol (65 per cent O.P.), it must dissolve completely.

When 0.2 ml. of this solution, measured from a burette, is made up to 1 litre with water, the mixture must possess a distinctly bitter taste.

**Excise Act—continued**

**18. SODIUM HYDROXIDE (CAUSTIC SODA).**—This shall be a good commercial grade of sodium hydroxide.

It must show a degree of alkalinity equivalent to a purity of not less than 90 per cent.

The alkalinity shall be determined by weighing with exactitude a sample, which shall be not less than 3·5 grams nor more than 4·5 grams, dissolving this sample in water, diluting to 100 ml. and titrating the solution against 25 ml. of normal sulphuric acid, using phenolphthalein as indicator.

**19. SOLVENT NAPHTHA.**—This must be either a mixture of hydrocarbons derived from coal by destructive distillation or a petroleum hydrocarbon product.

On distillation of the Solvent Naphtha, not more than 5 per cent by volume may pass over below 90° C. and not less than 90 per cent by volume must pass over below 150° C.

The method of distillation shall be the same as that laid down for Benzine.

**20. TOLUOL.**—This must be a hydrocarbon product derived from coal by destructive distillation and consisting largely of Toluene.

On distillation, not less than 90 per cent of the whole volume shall pass over between 100° C. and 120° C. The method of distillation shall be the same as that laid down for Benzol.

**21. WOOD ALCOHOL.**—The material must be a product of the destructive distillation of wood, or otherwise, the chief constituent of which is methyl alcohol. It must conform to the following requirements:

Smell.—It must give the decided and unpleasant smell characteristic of wood naphtha, when mixed with 10 times its volume of ethyl alcohol (65 per cent O.P.).

Total content of Methyl Alcohol (both free and combined, as esters).

This must be determined in the following manner:—

Measure at laboratory temperature 20 ml. of the material under investigation, running it directly from a burette into a separating funnel containing approximately 50 ml. of petroleum ether. Add approximately 75 ml. of saturated salt solution and shake well. Stand for 5 minutes. Draw off the lower layer into a second separating funnel and extract with a further 50 ml. of petroleum ether. After standing and allowing the resulting mixture to separate, run the alcoholic-saline layer into a 500 ml. Kjeldahl flask.

To the first portion of petroleum ether add 50 ml. of saturated sodium chloride solution. Shake well, stand for 5 minutes and run the lower layer into the second separating funnel, which still contains the second quantity of petroleum ether. Shake this mixture well, allow to stand 5 minutes, and add the aqueous layer to the liquid already in the Kjeldahl flask. Repeat the washing of the two quantities of petroleum ether in the same manner, adding the aqueous washings to those previously collected.

To the dilute alcoholic saline solution add 4·0 grams of paraformaldehyde (which should be as free as possible from nitrogenous impurities) and 40 ml. of sodium hydroxide solution (N); fit to the flask a Liebig condenser not less than 60 cm. long (or some form of condenser of at least equal efficiency), arranged for refluxing, and slowly bring the liquid to the boiling point, preferably using an electric hot plate as the source of heat.



**Excise Act—continued**

While the liquid is gently boiling, add (by pouring down the condenser) 60 ml. of Fehling's solution or such greater quantity as may be necessary to cause the colour to remain predominantly blue. Cool the flask and contents and wash down the condenser with 25 ml. water. Disconnect the reflux condenser and connect the flask with a foam-trap and condenser for distillation, then distil slowly till about 90 ml. have been collected. Cool the distillate and make up to exactly 100 ml. with distilled water. After thoroughly mixing determine the refractive index of this distillate by the use of a Zeiss or similar dipping refractometer. The scale reading so obtained must not be less than 20.2 at 60° F.

The absence of acetone from this distillate must be further proved as follows:—

To 5 ml. add 5 drops of freshly prepared sodium nitro-prusside solution, then 1 ml. of 10 per cent sodium hydroxide solution. No orange tint should develop, and on making slightly acid with acetic acid no purple or blue tint should be observable. If the presence of acetone is indicated by the above test, the determination of methyl alcohol must be repeated, using a larger quantity of paraformaldehyde.

**BONDING OF PERMIT HOLDERS**

22. Application for Permit is to be made in duplicate, on Form L-11, to the Collector of Customs and Excise of the Port in which the place of business of the applicant is located, the designating name or letter of the grade being inserted in the space reserved for that purpose, and the object for which to be used being clearly indicated in the body of the application.

23. The Collector will make careful enquiry or investigation as to the business integrity of the applicant and the suitability of his premises as a place for holding Specially Denatured Alcohol in possession. If not satisfied in these respects he will report the full facts to the department for instructions. If satisfied, he will affix a Certificate of Rectitude in the following words, viz.:—

I have no reason to suspect the rectitude of the applicant and do not know of any reason why the issue of permit should be withheld.

.....  
Collector of Customs and Excise.

The Collector will then forward both copies to the department.

24. If the application upon receipt by the department is found to be in proper order and is approved, one copy, endorsed accordingly, will be returned to the Collector. The applicant will then furnish to the Collector the bond of an approved guarantee company in the sum of \$2,000 as security that the specially denatured alcohol will be disposed of only as authorized by the Excise Act and Regulations made thereunder. The Collector will transmit the bond to the department and upon its approval the permit will be issued and returned to him for delivery to the applicant. Distillers and the officials concerned will promptly be notified upon the issue of each permit, as authority for filling orders received from the permit holder.

25. Separate applications, permits and bonds are required in respect of each and every premise wherein specially denatured alcohol obtained in bulk from a distillery is held in possession for disposal as provided by the Excise Act and Regulations.

**Excise Act—continued**

26. When a permit holder removes to premises other than those stated in his application, permit, and bond, a new application, permit, and bond shall be required and the former permit and bond will be promptly cancelled. Similar procedure will apply in the case of any change in name or ownership.

27. If the guarantee bond, referred to in the preceding sections is not promptly renewed on or before April 1 in each fiscal year, the permit will be cancelled without notification. To avoid delay guarantee bond renewal receipts for the ensuing fiscal year should be forwarded to the department through the collector as soon as possible after March 1.

28. Permit holders will not be supplied with any grade or grades of Specially Denatured Alcohol, apart from those specifically mentioned in the permit issued by the department. If authority be desired to purchase any additional grade or grades, application is to be made in the manner provided by Sections 22, 23 and 24 of these regulations, but no further security will be required.

29. Upon the issue of new permits to applicants, or upon the cancellation of any existing permits, distillers and officers in charge of distilleries are required to exercise care in revision of the existing list, in accordance with the notices received from time to time.

30. "Applications for Permits" (Form L-11) from executive officers of recognized universities or of public hospitals duly registered as such with the Department of National Health and Welfare, Ottawa, shall be dealt with in the same manner as those of other persons or firms except that a duly executed bond on Form D.52 (Excise) with two sufficient sureties approved by the Collector of Customs and Excise for amount of Two Thousand (\$2,000) Dollars will be accepted in lieu of the bond of an approved guarantee company.

31. Collectors will advise the department promptly after March 1 each year as to whether the sureties to these bonds are still living, solvent and resident in Canada.

32. No bonds are required on behalf of hospitals operated by the Government of Canada or by any of the provinces.

**LABELLING OF GRADES CONTAINING WOOD ALCOHOL OR METHYL ALCOHOL**

33. With regard to all grades of Denatured Alcohol or Specially Denatured Alcohol, which are denatured by the use, in whole or in part of wood alcohol, or methyl alcohol, sections 313 and 319 of the Excise Act, 1934, require that the vessels containing same shall have affixed thereto a label bearing the words "Methyl Hydrate—Poison" in black letters not less than one-fourth of an inch in height. If the capacity of the package exceeds one gallon, the inscription on the label shall be shown in black letters on a white ground not less than one-half inch in height. A substantial penalty is provided for failure to observe these requirements.

**SALES OR DISPOSALS BY DISTILLERS OF SPECIALLY DENATURED ALCOHOL**

34. Subject to compliance with requirements of Sections 55 to 84 inclusive of Circular G.269, Fourth Revision, in the matter of storage,

**Excise Act—continued**

removal and disposal, the various grades of SDAG No. 1 herein enumerated may be sold or disposed of by licensed distillers to permit holders only, for the purpose or purposes stated in their permits and not otherwise.

## BOTTLING AND LABELLING REQUIREMENTS

## SDAG No. 1-F

**35.** This grade is authorized for use as a Rubbing Alcohol Compound exclusively, and may be sold only by distillers to persons or firms holding permits specifically issued for that purpose, who are required to observe the following conditions when placing such goods on the market.

**36.** The Rubbing Alcohol Compound as received from distillers is not to be diluted or reduced in strength by the addition of water or any other substance, nor may it be used in admixture with any other materials or in the manufacture of any preparation whatsoever.

**37.** The Rubbing Alcohol Compound shall not be put up in packages containing more than 16 fluid ounces each except when sold to hospitals or other persons and organizations authorized by the Deputy Minister.

**38.** The following wording shall appear in conspicuous type on each and every label affixed to containers of Rubbing Alcohol Compound:—

(Trade name (if any) under which Rubbing Alcohol Compound is marketed)

## P O I S O N

## RUBBING ALCOHOL COMPOUND

## DANGEROUS IF TAKEN INTERNALLY

## HARMLESS IF APPLIED EXTERNALLY

(Name and address of permit holder)

**39.** If Rubbing Alcohol Compound be bottled and labelled by permit holders for others, the words "Bottled by.....expressly  
(Name and address of permit holder)

for .....  
(Name and address of wholesale or retail druggist for whom bottled)"

may be used.

**40.** All labels, before being affixed by permit holders to containers of Rubbing Alcohol Compound shall first be approved by the department as to form and wording.

**41.** No other label and no wording other than as indicated by sections 38 and 39 herein may be used by permit holders or others except with departmental approval obtained in advance.

**42.** Pencil sketches, drawings or blue prints of labels drawn to scale or actual size photographic copies of labels may be submitted *in duplicate* to the Deputy Minister for tentative approval before expense is incurred for printing or lithographing, but formal approval of the finished label will be given only upon *three* specimen copies of same being submitted under covering letter. Collectors of Customs and Excise will be furnished by the department with specimens of all labels approved for permit holders located within their jurisdiction.



**Excise Act—continued**

**43.** Any violation of the terms of sections 35 to 42, inclusive, shall constitute an offence and in addition to penalties provided by the Excise Act may subject the offender to cancellation of permit and forfeiture of all excisable goods.

SALES OR DISPOSALS BY PERMIT HOLDERS

SDAG No. 1-F

**44.** Permit holders shall sell or dispose of Specially Denatured Alcohol, SDAG No. 1F (Rubbing Alcohol Compound) to the following persons and organizations only:—

- (i) Other permit holders;
- (ii) Persons and organizations listed hereunder, all of whom must first be registered on Form No. E 137 with the Department of National Revenue as being authorized to have in possession the quantities represented by the maximum monthly quotas set opposite their respective status:—

Status	Maximum Monthly Quota (Calendar Months Only)
(a) Wholesale druggists recognized as such by the Pharmaceutical Association of the respective provinces.	Unlimited quantities of 4, 8 and 16 fluid ounce bottles only.
(b) Retail druggists licensed to carry on business as such under the statutes of the respective provinces and who do in fact carry on a regular retail trade.	24 bottles of 16 fluid ounces each or their equivalent in smaller containers.
(c) <i>Bona fide</i> registered public hospitals.	32 fluid ounces per cot; in bulk if desired.
(d) Departmentally approved private hospitals.	32 fluid ounces per cot; in bulk if desired.
(e) <i>Bona fide</i> practising physicians and/or surgeons.	12 bottles of 16 fluid ounces each or the equivalent in smaller containers.
(f) Benevolent and/or religious public institutions caring for the infirm or sick.	6 bottles of 16 fluid ounces each or the equivalent in smaller containers.
(g) First Aid or other organizations departmentally approved for supply of Rubbing Alcohol Compound.	As specially authorized only
(h) <i>Bona fide</i> practising veterinary surgeons.	6 bottles of 16 fluid ounces each or the equivalent in smaller containers.

**45.** The sale of Rubbing Alcohol Compound to general stores, or to any other unauthorized persons, except by retail druggists, shall constitute an offence and be punishable accordingly.

**46.** Rubbing Alcohol Compound Registration Certificates (Forms No. E 137) bound in books of one hundred, may be furnished by Collectors of Customs and Excise to permit holders and wholesale druggists for use in securing registration of their customers. Customers will be required to register once only regardless of the number of sources from which they may purchase Rubbing Alcohol Compound, except that in the case of druggists or others owning or operating more than one store or place of business, it will be necessary that separate registration be made by the proprietor in respect of each. Full instructions as to registration are contained on the form. Registration Certificates are to be available at all times for production to any officer of the Crown.

**47.** Permit holders and wholesale druggists shall show Rubbing Alcohol Compound Registration Certificate Numbers on all invoices and departmental returns.

**Excise Act—continued**

48. No permit holder or wholesale druggist shall dispose of Rubbing Alcohol Compound to a person or organization not duly registered as such with the Collector of Customs and Excise having survey over the territory where the premises of the purchaser are situated, such registration to be made on departmental Form E. 137.

49. No retail druggist, physician, surgeon, veterinary surgeon, benevolent and/or religious public institution or other organization as herein defined, shall purchase Rubbing Alcohol Compound in excess of the quantities above stipulated during any calendar month, unless specially authorized by the department.

50. When necessary, a list of offenders against the provisions of the immediately preceding section, will be forwarded by the department to each permit holder and wholesale druggist, as a notification that further sale of Rubbing Alcohol Compound to such offenders is prohibited, unless otherwise advised.

51. Any permit holder supplying Rubbing Alcohol Compound to an offender whose name appears on the list mentioned in section 50 shall be liable to the penalties prescribed by the Excise Act and shall have his permit cancelled forthwith.

52. This list will also include the names of wholesale druggists violating the foregoing requirements.

53. Under no circumstances may the article defined as "Rubbing Alcohol Compound" be marketed as a patent medicine nor under a registered number assigned by the Department of National Health and Welfare and the permit issued to any person or firm found violating this requirement will be immediately cancelled.

54. No permit holder is authorized to deliver Rubbing Alcohol Compound for cash or on order signed by a physician, surgeon, veterinary surgeon, or public institution, such as a hospital, unless the goods be transported direct and delivered by an employee of the permit holder, or that such inquiry is made in advance by the permit holder as to satisfy himself that the order has been *bona fide* given by the individual or public institution in whose name it is signed.

55. Rubbing Alcohol Compound will not be supplied to practising physicians, surgeons or veterinary surgeons except upon written requisition by the purchaser, who shall furnish the permit holder or wholesale druggist with a written memorandum stating that the quantities ordered are required by him for use in his practice.

56. It is a breach of these regulations and punishable accordingly to deliver Rubbing Alcohol Compound ordered by a physician, surgeon or veterinary surgeon, to any one other than the purchaser at his residence, office or surgery.

57. Delivery of Rubbing Alcohol Compound to retail drug stores, general stores or any unauthorized purchaser, upon orders given by physicians, surgeons or veterinary surgeons, will be deemed to be an offence by the permit holder, wholesale druggist or person making the delivery.

**Excise Act—continued**

SALES OR DISPOSALS BY WHOLESALE DRUGGISTS

SDAG No. 1-F

**58.** *Bona fide* wholesale druggists, as herein defined (not permit holders), having purchased their supplies of Rubbing Alcohol Compound from permit holders only and not otherwise than in 4-, 8- and 16-ounce bottles, may sell or dispose of same in the original containers only bearing thereon the labels of the permit holder, to the persons and organizations listed in section 44 herein and under the same requirements except that they shall not sell in bulk.

PERMIT HOLDERS' AND WHOLESALE DRUGGISTS' MONTHLY RETURNS

OF RECEIPTS AND DISPOSALS

SDAG No. 1-F

**59.** Permit holders and wholesale druggists shall keep accurate records of receipts and disposals of Rubbing Alcohol Compound. Such records are to be open for inspection by officers of the department or members of the Royal Canadian Mounted Police at any time during ordinary business hours.

**60.** On or before the tenth day of each month, every permit holder and every wholesale druggist dealing in this product shall forward to the local Collector of Customs and Excise a return IN TRIPLICATE, on Form K.70 Amended, showing all details of receipts and disposals during the previous calendar month. These details will include:—

(a) The total quantity (in fluid ounces) on hand at the beginning of the month as determined by actual stocktaking.

(b) All quantities received during the month, giving dates, description of containers, marks and numbers on containers, names and addresses of consignors, number of standard gallons and quantities in fluid ounces; this return to be concluded with a certificate reading as follows:—

“I hereby certify that the above statement constitutes an accurate and complete return of all Specially Denatured Alcohol, Grade No. 1-F (Rubbing Alcohol Compound), carried over from last month as determined by actual stocktaking, and of all quantities receiving during the period covered.”

(c) An itemized return of all disposals, giving dates, correct names and addresses of purchasers, their Rubbing Alcohol Compound Registration Certificate numbers; number and description of containers and the total quantity (in fluid ounces) sold to each customer.

(d) An accurate statement of any and all deficiencies as between “Receipts” and “disposals” together with a concise explanation as to the circumstances.

(e) The total quantity (in fluid ounces) on hand at the end of the month as determined by actual stocktaking; this return to be concluded with a certificate duly signed and reading as follows:—

“ I hereby certify that all sales of Specially Denatured Alcohol (Grade No. 1-F—Rubbing Alcohol Compound) enumerated herein were made to persons authorized by the Excise Act, 1934, and the



**Excise Act—continued**

Regulations to receive same; that the quantities shown as being on hand at the end of the month were determined by actual stocktaking and that this statement constitutes an accurate and complete return of all such transactions for the period covered."

**61.** Such certificate shall bear the signature of the permit holder or wholesale druggist or, in the case of a company or corporation, one of its executive officers, whose title is to be stated. A "Nil" return is to be filed in event of there being no transactions during the month. Any falsification of this return will constitute an indictable offence and be punishable accordingly.

**62.** A deficiency allowance not to exceed 2 per cent of the total quantity of Rubbing Alcohol Compound sold by a permit holder during any one month will be permitted, but any and all deficiencies in excess of 2 per cent shall be payable at the rate of \$11 per proof gallon (which is equivalent to \$17.60 per standard gallon), to the Collector of Customs and Excise at the time of presenting the monthly returns on Forms K.70 Amended. Failure to pay to the Collector at the proper time the amount of any such deficiency will render the permit holder liable to immediate cancellation of his permit in addition to any other penalties imposable under the Excise Act and Regulations.

**63.** The foregoing deficiency allowance is not available to wholesale druggists who are not permit holders, but any and all deficiencies incurred by them are to be enumerated on Form K.70 Amended, together with full explanation. If such deficiencies be considered excessive, the department may place the name of the wholesale druggist so offending on the list of persons and firms to whom permit holders are forbidden to sell Rubbing Alcohol Compound.

**64.** Collectors of Customs and Excise, after ensuring that the return is legible and complete in every detail, will apply the port date stamp; forward two copies to the department; and file one copy for future reference.

**65.** In the event of it being discovered as result of enquiry or otherwise that Rubbing Alcohol Compound has been delivered to an unauthorized person or organization or in excess quantity to an authorized person or organization the Collector will immediately report the full facts to the nearest division or detachment of the Royal Canadian Mounted Police for such further action by way of seizure or otherwise as may be warranted by the circumstances.

SALES OR DISPOSALS, BY RETAIL DRUGGISTS AND PRACTISING PHYSICIANS, OF  
SDAG No. 1-F

**66.** Specially Denatured Alcohol, SDAG No. 1-F (Rubbing Alcohol Compound), legally obtainable by retail druggists from permit holders and wholesale druggists only and by practising physicians, surgeons, and veterinary surgeons from permit holders, wholesale druggists and retail druggists only and not otherwise than 4-, 8- and 16- (fluid) ounce containers shall be sold by retail to the public not otherwise than in the original containers bearing thereon the original labels as received from the permit holder and with no addition of water or any other material or substance.

**Excise Act—continued**

**67.** Specially Denatured Alcohol, SDAG No. 1-F, is not to be used in or for the manufacture of any preparation whatsoever.

**68.** Retail druggists shall not obtain supplies of SDAG No. 1-F (Rubbing Alcohol Compound) from any source whatsoever other than from permit holders or wholesale druggists from whom they must purchase direct and not in the name of or for the account of any other person, institution, or organization.

**69.** Practising physicians, surgeons, and veterinary surgeons are not permitted to dispose, by sale or otherwise, of all or any portion of their quota of SDAG No. 1-F (Rubbing Alcohol Compound) to retail druggists nor to permit a retail druggist, or any other person, institution, or organization, to use their names for the purpose of ordering or obtaining supplies of Rubbing Alcohol Compound.

**70.** It will be deemed to be an offence for any physician, surgeon, or veterinary surgeon having received Rubbing Alcohol Compound for use in his practice, to sell or otherwise dispose of the same to any one but his own *bona fide* patients.

**71.** A breach of the regulations contained in sections 66 to 70 inclusive, shall constitute an offence and in addition to the penalties provided by the Excise Act will subject the offender to cancellation of the privilege of dealing in SDAG No. 1-F.

**72.** A retail druggist, duly registered as such in any province, or a *bona fide* practising physician, who can satisfy the department that his *bona fide* requirements for Rubbing Alcohol Compound exceed 2 dozen 16-ounce bottles or 1 dozen 16-ounce bottles respectively, or their equivalent when contained in smaller packages, per calendar month, may have issued to him written authorization for the purchase of such additional quantity as may be decided by the department.

**73.** Every retail druggist who is authorized by the department to purchase a quantity of Rubbing Alcohol Compound in excess of that permitted by section 44 is required to keep a record of all sales whatsoever in a book to be provided for that purpose by the druggist. In the Province of Ontario, however, the department has agreed with the officials of the Liquor Control Board that their Form No. L-41 may be used to avoid duplication of entries.

**74.** The record referred to in section 73 is to contain the name and address of each purchaser, the date of purchase and the quantity purchased and, further, said record is to be open for inspection at any time during business hours by any officer of the Department of National Revenue or any member of the Royal Canadian Mounted Police.

**75.** No retail druggist will be permitted to transfer Rubbing Alcohol Compound from one store to another operated by the same ownership or company.

**76.** If any one or more stores, operated as defined in the preceding section, requires quantities of Rubbing Alcohol Compound in excess of that permitted by the regulations, separate applications for increased quantity, which should be specified, are to be made in respect of each store.

**Excise Act—concluded****LABELLING AND SHIPMENT OF SDAG NOS. 1-X AND 1-XS**

**77.** These grades shall be known as "Spirex" and "Spirex-S" respectively and shall be invoiced as such. In no case shall the words "alcohol" or "spirits" be used in the marking of any container carrying these grades nor shall they appear on the entry or shipping papers.

**78.** There shall be legibly stencilled, in oil colours, on all tanks, drums, barrels and other containers used in shipment of these grades the words "SPIREX—POISON—CONTAINS BENZOL" or "SPIREX-S—POISON—CONTAINS BENZOL", as the case may be, together with the poison symbol, viz., skull and crossbones, in both cases.

**79.** These grades shall be shipped in bond on "Removal Entry" or "Transfer" if within the port, and be covered by bond, on Form D.56 Revised, which may be cancelled upon return of one copy of the "Removal Entry" having endorsed across the face the words "Received and taken for use". This endorsement shall be signed by an authorized representative of the explosives manufacturer.

**SDAG NO. 1-G TO BE FURTHER DENATURED FOR CERTAIN PURPOSES**

**80.** Specially Denatured Alcohol, Grade 1-G, supplied to the Department of National Defence (Air Service) Ottawa, and to Royal Canadian Air Force stations in Canada under permit No. 3034, is to be further denatured before release from the distillery by the addition of approved pyridine bases in the proportion of one-half (0.5) gallons of the pyridine bases to one hundred (100) gallons of Specially Denatured Alcohol, Grade No. 1-G.

**EXCISE TAX ACT. (R.S.C., 1927 c. 179)**

- |   |   |
|---|---|
| 1. <i>Licences, books and records.</i>          | 2. <i>Securities transfer tax.</i>                                      |
| 3. <i>Refund claims.</i>                        | 4. <i>Cigarette papers and tubes.</i>                                   |
| 5. <i>Ice cream.</i>                            | 6. <i>Embossed cheques.</i>   |
| 7. <i>Tents, awnings, tarpaulins.</i>           | 8. <i>Greeting cards.</i>   |
| 9. <i>Footwear other than rubber.</i>           | 10. <i>Radio receiving sets and tubes.</i>                              |
| 11. <i>Wineries.</i>                            | 12. <i>Clothing and wearing apparel.</i>                                |
| 13. <i>Matches.</i>                             | 14. <i>Florists.</i>  |
| 15. <i>Preparations to replace stockings.</i>   | 16. <i>Lighter flints.</i>  |
| 17. <i>Stamp metering machines.</i>             | 18. <i>Fur articles.</i>  |
| 19. <i>Cigarettes and manufactured tobacco.</i> | 20. <i>Drugs, pharmaceutical preparations, patent medicines, etc.</i>   |
| 21. <i>Green coffee and green peanuts.</i>      | 22. <i>Manufacturers of monuments and memorials.</i>                    |
| 23. <i>Tinsmiths.</i>                           | 24. <i>Credits or refunds on goods delivered prior to May 18, 1948.</i> |
| 25. <i>Washing machines.</i>                    | 26. <i>Clock or watch movements and articles of jewellery.</i>          |
| 27. <i>Ladies' handbags.</i>                    | 28. <i>Jewellery.</i>   |
| 29. <i>Furniture.</i>                           | 30. <i>Trunks, travelling bags, etc.</i>                                |
| 31. <i>Toilet articles and preparations.</i>    | 32. <i>Candy and confectionery.</i>                                     |
| 33. <i>Soft drinks and milk drinks.</i>         | 34. <i>Tires, tubes and re-treading.</i>                                |
| 35. <i>Hydrogen peroxide.</i>                   |   |



**Excise Tax Act—continued**

**1. Regulations Pertaining to Licences and to Books and Records Under the Excise Tax Act, September 1, 1948**

*The Regulations herein are made and established by the Minister of National Revenue under and by virtue of the power conferred by the Excise Tax Act, Chapter 179, Revised Statutes of Canada, 1927, and amendments thereto.*

*These Regulations are effective on and after September 1, 1948.*

**LICENCES**

(a) The annual fee for a licence required under this Act shall be two dollars, and the licence is renewable on the first day of April in each fiscal year.

(b) Applications for issue or renewal of licences are to be made on Forms L-19, L-15, or L-15a, as applicable, and are required to contain accurate information supplied by the applicants as to the constitution of partnerships, limited liability companies or ownerships of the businesses for which licences are sought.

Where a partnership or a person carrying on business under a firm name applies for issue of licence, a copy of the partnership declaration or registration of the firm name must accompany the application.

Applications for renewal of licences need not be accompanied by a copy of the said declaration or registration, unless a change of ownership has occurred since the date of the original application or the last renewal thereof.

In the case of partnerships where no change in ownership has occurred, applicants for renewal of licence should subscribe to the following statement on their application for licence:—

“I hereby declare that there has been no change in the foregoing partnership or ownership since issuance of last licence.”

(c) Where a partnership operates a licensed business and there is a change in the ownership, or where a partnership, incorporated company or sole ownership changes the name of the business, a new licence must be obtained immediately. A licence fee is payable where there is a change of ownership, but not in cases where there is a change of name only.

(d) Where the operation of the business of a licensed manufacturer or licensed wholesaler is continued by a trustee in bankruptcy, assignee, administrator, executor, bank, or other like person, a licence must be obtained immediately if the business is continued under another name; if continued under the manufacturer's or wholesaler's name, the licence must be renewed on the first day of April in each fiscal year.

(e) The Collector of Customs and Excise of the Port where the head office of a licensee is situated, upon receiving application in writing therefor, may issue certified copies of the licence, for the branches situated in other Ports. The Collector issuing the licence shall forward certified copies to the Collectors at the Ports where the branches are situated: the Collectors receiving such copies are to record them and deliver to the branch of the firm concerned. (See also Section 2 (d).)

**BOOKS AND RECORDS**

(a) Each licensee is required to keep adequate records, books, accounts and vouchers in English or French at his place of business in Canada, for the purposes of The Excise Tax Act.

**Excise Tax Act—continued**

(b) Such records, books, accounts and vouchers shall show the details of every transaction of the licensee and shall be preserved by him until such time as they have been examined by departmental officers and permission in writing given by the Department for their destruction.

(c) A licensed manufacturer, producer or wholesaler, who also conducts a retail branch or branches, shall keep separate records in respect of each branch of his business and clearly show the transactions between such branches.

*Regulations Pertaining to Part X of the Excise Tax Act***MATCHES**

Separate regulations concerning the Excise Tax on matches may be obtained on application being made to the Department. (Circular 780-C Revised)

**CIGARETTE PAPERS AND TUBES**

Separate regulations concerning the Excise Tax imposed by Section 77A of The Excise Tax Act on cigarette papers and tubes may be obtained on application being made to the Department.

*Regulations Pertaining to Part XI of the Excise Tax Act***RETURNS AND PAYMENT OF TAX**

Manufacturers of the goods enumerated in Schedules I and II of the Act shall submit monthly excise tax returns and pay the tax on such goods in a manner similar to that required by these Regulations for the Consumption or Sales Tax. (See "Returns and Payment of Tax" on pages 10 and 11.)

**AUTOMOBILES (Tax as in Schedule I of the Act)**

(a) Any person, firm or corporation purchasing a chassis to which a passenger body is subsequently attached by him, or to his order, is required to pay the Excise Tax on such completed automobile.

(b) Any person, firm or corporation selling a chassis, and separately a passenger body therefor, not mounted, is required to pay the Excise Tax on the combined price of the chassis and the body.

(c) Any person, firm or corporation purchasing an automobile chassis from one manufacturer or dealer and a passenger body from another manufacturer or dealer, and assembling the same into a complete passenger automobile for his own use, is required to pay the Excise Tax thereon.

(d) When a manufacturer of a passenger body or other person mounts the body upon a chassis, the property of his customer, such manufacturer or other person shall pay the Excise Tax computed upon the combined value of the chassis and the body. The customer shall produce to the manufacturer or other person evidence of his purchase price of the chassis. NOTE—The Foregoing is intended to cover cases where new chassis and new bodies are combined.

(e) Any person who mounts a used passenger body on a new chassis shall pay the Excise Tax on the total purchase price of the chassis.

**Excise Tax Act—continued**

(f) Where any person has a commercial type motor vehicle converted to passenger use by utilizing the plant or factory of another for the installing of windows, seats, doors, etc., such person shall pay the Excise Tax, computed on the cost of the motor vehicle, chassis and body, plus all charges for the work performed.

**COSMETICS AND TOILET PREPARATIONS: TOILET SOAPS**

Separate regulations concerning the Sales and Excise Taxes on these goods may be obtained on application being made to the Department, or to the nearest Collector of Customs and Excise. (Circular 846-C)

For purposes of the Excise Tax, anyone who wraps, packages, or puts into boxes, bottles or jars, or otherwise prepares for sale, any of the articles specified in paragraphs 2 and 3 of Schedule I (Toilet Soaps, Cosmetics, Toilet Preparations, etc.) is held to be the manufacturer or producer of the finished goods and required to pay the tax specified in the Schedule, on his selling price.

Manufacturers of these goods who sell or distribute through an exclusive distributor are required to account for the Sales and Excise Taxes computed on the distributor's price to the trade to which he sells, according to whichever category of Circular 846-C applies.

**RADIO BROADCAST RECEIVING SETS AND TUBES THEREFOR**

Separate regulations concerning the Sales and Excise Taxes on these goods may be obtained on application being made to the Department, or to the nearest Collector of Customs and Excise. (Circular 826-C)

**CARBONATED BEVERAGES, ETC.**

Separate regulations concerning the Excise Taxes imposed by Schedule I on carbonated beverages, etc., are contained in Circular 841-C Revised, which may be obtained on application to the nearest Collector of Customs and Excise.

**CHOCOLATE, CANDY AND CONFECTIONERY**

Separate regulations concerning the Excise Taxes imposed by Schedule I on chocolate, candy and confectionery which may be classed as candy or a substitute for candy are contained in Circular 891-C, copy of which may be obtained on application to the nearest Collector of Customs and Excise.

**TIRES AND TUBES OF RUBBER**

For average weights of rubber tires and tubes for excise tax purposes, see Circular letter on this subject which may be obtained on application being made to the Department.

**SHEEPSKIN SHEARLINGS DRESSED AND DYED IN CANADA**

Separate regulations concerning the Excise Tax imposed on Section 80A 1 (ii) on dressed furs, dyed furs and dressed and dyed furs, as applicable to sheepskin shearlings, may be obtained on application to the Department. (Circular October 12, 1946)



**Excise Tax Act—continued**

*Regulations Pertaining to Part XII of the Excise Tax Act*

**WINES**

The Excise Tax imposed by Part XII of The Excise Tax Act, upon wines of all kinds except sparkling wines containing not more than forty per cent of proof spirits, and on champagne and other sparkling wines, shall be payable monthly and be accounted for by a tax entry in a manner similar to that required by these Regulations covering the rendering of returns for Consumption or Sales Tax.

The Excise Tax on wines and champagne shall be computed on the quantity in Imperial gallons.

The Sales Tax on wines is payable on the sale price including the Excise Tax.

*Regulations Pertaining to Part XIII of the Excise Tax Act*

**1. CERTIFICATES**

*Licensed Manufacturers:—*

(a) A licensed manufacturer, when purchasing or importing goods which cannot be used in, wrought into, or attached to articles to be manufactured or produced for sale, shall not quote his licence number nor give the certificate on the order or entry. On purchases or importations of goods which can be used in, wrought into, or attached to taxable goods for sale, a licensed manufacturer shall quote his licence number and give the certificate on the order or entry.

The certificate to be given by a licensed manufacturer is to be in the following general form:—

I/We certify that the goods ordered/imported hereby are to be used in, wrought into, or attached to taxable goods for sale.

Licence Number.....  
(Name of Purchaser)

(b) The following combined certificate may be used where applicable, by licensed manufacturers:—

I/We certify that the goods ordered/imported hereby are to be used or consumed in the manufacture of taxable goods for sale.

Licence Number.....  
(Name of Purchaser)

(c) A licensed manufacturer shall not quote his licence number nor give the certificates as above when purchasing or importing goods to be used in, wrought into, or attached to articles specified as exempt from the Consumption or Sales Tax. (NOTE.—Except in respect of goods conditionally exempted according to use.)

(d) A manufacturer or producer when purchasing or importing machinery or apparatus, or complete parts thereof, for use directly in the manufacture or production of goods, should use the following form of certificate:—

I/We certify that the goods ordered/imported hereby are to be used directly in the process of manufacture or production of goods.

.....  
(Name of Purchaser)

**Excise Tax Act—continued**

*Licensed Wholesalers:—*

(e) Every licensed wholesaler or jobber, when purchasing or importing goods for resale, shall quote his licence number on the order or entry and certify thereon that the goods are for resale.

The certificate to be given by a licensed wholesaler when purchasing or importing goods for resale, is to be in the following form:—

I/We certify that the goods ordered/imported hereby are for resale.

.....  
(Name of Purchaser)

Licence Number A.....

(f) Applications for wholesale licences will not be considered unless and until the applicants have been in business for a period of at least three months.

No such licence shall be issued unless fifty per cent of the wholesaler's sales for the three months immediately preceding his application were exempt from Sales Tax.

*Hospitals:—*

(g) When *bona fide* public hospitals which have been certified as such by the Department of National Health and Welfare purchase or import articles or materials for their own use and not for resale under the conditions of the exemption, they are required to supply the following certificate on their orders or import entries, as the case may be:—

I certify that the articles or materials being purchased/imported hereby are for the sole use of.....

(Name of Hospital)

and are not in any case for resale.

.....  
(Signature)

.....  
(Office held by Signatory)

.....  
(Place and Date)

*Provincial Governments:—*

(h) Purchasing agents for Provincial Government Departments entitled to purchase or import goods free from Excise Taxes, are required to supply a certificate on the order for the goods, or import entry, as the case may be, in the following form:—

I certify that the goods being purchased/imported by.....

.....  
(Name of Provincial Government or Department)

are being purchased with Crown funds, and are for a purpose other than for resale.

.....  
(Name of authorized official)

.....  
(Rank or official designation)

The Provincial Governments of Quebec, New Brunswick and Nova Scotia make direct application to the Department for refund of Sales Tax on their purchases from unlicensed suppliers, and accordingly use the foregoing certificate only when purchasing from licensees. (See Circulars 876-C Revised, 795-C and 887-C.)

General:—

I/We hereby certify that the goods which we will purchase from you during the period from.....to.....  
(Date) (Date)  
are to be used in the manufacture of taxable goods for sale.

.....  
(Name of Purchaser)

NOTE.—Licensed wholesalers will certify that the goods are for resale.

(k) Where a purchaser quotes a licence number *only* on his order for goods, the vendor is responsible for Sales Tax on the sale.

Where a purchaser erroneously quotes both licence number and certificate on his order, the purchaser is liable for the tax, except in such cases where it is obvious to the vendor that the quotation was made in error.

(l) A licensed manufacturer or producer, or a licensed wholesaler or jobber, who also conducts a retail branch or branches, shall not use his licence when purchasing or importing merchandise for such retail branch or branches.

(m) Licensed manufacturers and licensed wholesalers must not have their licence numbers printed on their stationery or order forms, but should place their licence numbers and certificates on these documents only in cases where applicable.

(a) Everyone liable for payment of Consumption or Sales Tax under The Excise Tax Act shall make to the Collector of Customs and Excise a monthly return on Form B.93 showing the total amount of tax payable on his taxable sales during the preceding month. If no taxable sales were made during the preceding month, the taxpayer should so state on his return.

(b) Each such return shall be delivered or mailed to the Collector of Customs and Excise and the amount of the tax due paid to him on or before the last day of the month next succeeding the month covered by the return. When a cheque is submitted in payment of tax, it is required to be accepted by a bank before presentation to the Collector.

(c) The returns shall be delivered to the Collector or Sub-Collector of Customs and Excise at the Port or Outport where the licensee is located.

(d) Persons, firms or corporations operating offices or branches in more than one locality may, if they so desire, make one return to be filed by the head office for the entire business of the firm, or they may make returns and pay their tax at each of their branches: if payments are to be made by their branches, the Collector at the place where their head office is situated must be so advised when certified copies of licences are being issued.



**Excise Tax Act—continued**

The Department requires that whether one return and payment is made at head office, or returns and payments are made for each branch, purchasers' orders bearing certificates in prescribed form, also all other necessary records for audit purposes, shall be maintained at the locality or localities where returns are filed and taxes paid.

(e) The amount of tax due is to be shown in the column on the left of Form B.93; where the payment accompanies the return, the payment should be entered in the right-hand column.

(f) When a return is filed without payment accompanying it, one copy only is to be supplied to Ports two copies to Outports. These are to be retained at Port and Outport offices.

When payments accompany the return Form B.93 is to be delivered in triplicate to Ports and in quadruplicate to Outports; one copy of this form is to be stamped by the cashier and returned to the licensee who shall keep such copy on file for a period of not less than three years; one copy is to be retained at each Port and Outport the original to be forwarded to the Department with the excise tax cash sheet.

(g) Certificates on returns shall be signed by the proprietor or a partner of the business, president, vice-president, manager, secretary or treasurer of a company, by an independent auditor or independent accountant or by any person duly authorized by power of attorney to sign on their behalf. When the return is to be signed by a person other than the proprietor, partner, president, vice-president, manager, secretary or treasurer, independent auditor or independent accountant, a power of attorney executed in due form shall be filed with the Collector of Customs and Excise.

(h) When a taxpayer operates for only a short period in each year (seasonal businesses), he may apply to the Collector at the close of his taxable operations for permission to file a "nil" return covering the period until his taxable operations commence again.

(i) Manufacturers or producers manufacturing or producing goods for their own use and not for resale are required to account for Consumption or Sales Tax thereon in accordance with the provisions of section 87 (d). Statements of such goods manufactured or produced and the tax due thereon are to be shown separately on their tax returns.

(j) The return delivered by a licensed wholesaler shall show the amounts of the non-taxable sales and the taxable sales separately and the amount of the tax payable.

(k) Licensed wholesalers are permitted to purchase or import goods for resale free from the Consumption or Sales Tax. Such licensees are required to account for the tax monthly on all goods sold, whether new, used or second-hand, except on sales to

(a) licensed manufacturers or producers for further manufacture into taxable goods;

(b) other licensed wholesalers for resale;

(c) others whose purchases are conditionally exempt.

The tax is to be computed on the duty paid value of imported goods, or on the purchase price of domestic goods as the case may be. The value for tax is to include the amount of Excise Duties on goods sold in bond.

**Excise Tax Act—continued**

(l) The penalty of two-thirds of one per cent per month is to be added to all arrears of Sales or Excise Taxes outstanding on the first business day of each month during which default in payment continues. The penalty is to be computed on the arrears of taxes only. Penalty does not apply on penalty.

(m) Penalty is to be added in respect of accruing taxes not paid within the prescribed time. Arrears established by audit are subject to penalty.

**3. BONDS GIVEN AS SECURITY PROVIDED FOR IN SECTION 96**

The bond or security to be given by a licensed wholesaler as provided for under section 96 of the Excise Tax Act, shall be for double the amount of the Consumption or Sales Tax payable on the three largest totals of taxable sales per month during the last calendar year, provided that such bond shall be for an amount not more than twenty-five thousand dollars and not less than two thousand dollars.

When Dominion of Canada bonds are deposited as security, such bonds must be fully registered, and accompanied by a transfer, Form 533, in favour of the Receiver General of Canada.

When a licensed wholesaler or jobber deposits security by a chartered bank or by bond of a guarantee company, it shall not be limited as to duration; the surety shall have the right to discontinue its security at any time upon giving sixty days' notice by registered letter to the Deputy Minister of National Revenue, Customs and Excise, Ottawa.

Bonds of guarantee companies and security given by chartered banks shall cover not only the operations of the licensed wholesaler or jobber, but also the operations of the licensee's business by any person who acquires from or against him the right to sell any goods which were or are purchased under licence, exempt from tax, whether as a result of the operation of law or of any transaction not taxable under The Excise Tax Act, and such bonds or security shall bind such person to observance of and compliance with all requirements of the said Act and of these Regulations.

**4. DEDUCTIONS***Licensed Wholesalers:—*

A wholesaler to whom a sales tax licence is granted may claim deduction of the Sales Tax paid on goods on hand at date of issuance of licence.

Such wholesaler shall file claim with the Collector of Customs and Excise at the Port where situated and shall prepare an inventory of the goods upon which claim is to be made.

The inventory shall show a description of the goods and trade number, if any, and the quantity and value of each kind of goods, such value being the value upon which tax was actually paid. Goods in transit on date of issue of the licence and upon which the tax was paid or is payable, shall be regarded as goods on hand.

This inventory shall be kept on file in the office of the licensee and shall be subject at all times to examination by the proper officers of the Department of National Revenue. A summary thereof shall be prepared showing the quantity and value, with Sales Tax claimed, in respect of each class of goods. This summary, certified to as true and correct by an authorized official of the claimant, shall be submitted in duplicate to the Collector of Customs and Excise of the Port in which the business is located.

### Excise Tax Act—continued

A claim for deduction will not be allowed unless the total amount of deduction claimed shall be established to the satisfaction of the Department of National Revenue as being not more than the amount of tax actually paid by the wholesaler on his purchase or importation of goods for resale.

The deductions from a licensed wholesaler's sales tax return may be made as the goods are sold.

If tax has been paid on goods purchased by licensed wholesalers, refund must be obtained by the suppliers who paid the tax; such suppliers will then be able to reimburse the licensed wholesalers.

The tax paid as outlined in the preceding paragraph must not be deducted from tax payable by licensed wholesalers, nor may such goods be sold (unless otherwise subject to exemption) without payment of tax thereon.

### 5. REFUNDS

(a) Claims for refund of Consumption or Sales Tax paid by an unlicensed wholesaler, jobber or other dealer on goods sold to licensed manufacturers or producers, licensed wholesalers, or to others entitled to purchase goods exempt from the tax, are to be submitted on Form N.15, accompanied by a Statement of Sales (Form N.15a), each in duplicate.

The Statement of Sales may be prepared periodically and the amount of tax paid on the goods may be arrived at in any way convenient, provided the method adopted will show an amount of tax not in excess of the amount actually paid on the goods in question.

It will not be necessary that the claim be accompanied by invoices, orders from customers or documents other than the Statement of Sales, except in cases where an unlicensed wholesaler, jobber or other dealer does not maintain an office in Canada or in the city or town where a Collector of Customs and Excise is located, when the claim shall, in addition to the Statement of Sales, be accompanied by a certified copy of the purchase order bearing the licence number of the purchaser and the required certificate, satisfactory evidence of the payment of the tax and proof of delivery of the goods in fulfilment of the order.

(b) Where claims for refund are made on account of sales made to Departments of Provincial Governments or to certified public hospitals which are exempt from tax, certificates must be obtained from an authorized official to the effect that the goods are not for resale.

(c) Claims for refund or deduction are subject to the limitation of two years from the time the refund or deduction first became payable as prescribed by section 105, subsection 5, of The Excise Tax Act.

### 6. COMPUTATION OF TAX

#### *Licensed Manufacturers:—*

The "Wholesale Price", for purposes of this regulation, shall mean the price for which the manufacturer or producer regularly sells his taxable goods of like quality and value in the ordinary course of business to *bona fide* independent wholesalers in representative wholesale quantities in the zone or territory in which the sale is made, except in those cases where the Minister has made specific regulation to the contrary.



**Excise Tax Act—continued**

Where a manufacturer has not established the "Wholesale Price" for his taxable goods, as hereinbefore defined, the Minister may determine the value on which the tax may be calculated on transfer to the unlicensed wholesale branch(es) or retail branch(es) of the manufacturer or producer.

Where a manufacturer or producer sells his taxable goods to both wholesalers and others, the Sales Tax may be paid on the "Wholesale Price" as hereinbefore defined, except where otherwise determined by the Minister. Where vendor and purchaser are interrelated, associated or affiliated concerns, or where one is subsidiary to the other, the "Wholesale Price", as hereinbefore defined, established by either of them by sales to *independent wholesalers*, shall be the value on which the tax is payable, except where otherwise determined by the Minister.

Where a manufacturer or producer accounts for Sales Tax on the "Wholesale Price", as hereinbefore defined, or on a value determined by the Minister, the tax shall be payable on transfer of his taxable goods from the premises of the producing factory whether on sale, consignment or for stock in his own branch(es), and shall be paid on or before the last day of the month following the month during which the transfer was made.

Where a manufacturer has paid the tax at the prevailing rate on transfer of his taxable goods, no allowance will be permitted in respect of changes in the tax nor for adjustments of price on the goods previously transferred.

Where a manufacturer accounts for tax on the transfer of his taxable goods and deducts the discount fixed by the Minister as applicable to that class of goods, the discount so fixed includes all other discounts or allowances of any nature whatsoever.

The preceding paragraph applies to all classes of goods where discounts being used are those fixed by the Minister as applicable to such classes of goods, but does not apply to those cases where manufacturers are accounting for Sales Tax on the "Wholesale Price", as hereinbefore defined.

A manufacturer is not permitted to establish an unlicensed wholesale branch with retroactive effect, as calculation of the Sales Tax on the "Wholesale Price", hereinbefore defined, becomes effective only from the date of its commencement.

Where manufacturers or producers make charges, whether separately or not, for advertising, financing, servicing, warranty or any other charges of a similar nature contracted for at the time of sale of their taxable goods, such charges shall constitute a part of the sale price on which the Sales Tax applies.

*Chain Stores*

The term "chain stores" used in any regulation made by virtue of The Excise Tax Act shall mean any organization of three or more stores under the same ownership, general management, supervision, or control, whether the individual branches purchase separately or not, and whether or not the goods purchased are paid for by each store or by the central authority.

*Departmental Stores*

A list of departmental stores has been prepared and may be obtained on application being made to the Department.

**Excise Tax Act—continued**

*Licensed Wholesalers:—*

Licensed wholesalers are required to account for the Consumption or Sales Tax on their taxable sales of all goods sold, whether new, used, or second-hand, on their cost of domestic goods and on the duty paid value of imported goods, even though by reason of depreciation or obsolescence the selling price may be less than these values.

Effective September 1, 1924, the Department authorized and approved only two alternative methods by which licensed wholesalers may compute and account for this tax in respect of their taxable sales, viz:—

(I) They may show on the duplicate of each sales invoice, which they retain in their offices, the actual cost or duty paid value of each taxable item on the invoices, and recapitulate such costs and values at the end of each month and pay the tax at the current rate on the total so determined.

NOTE.—If this procedure is followed, licensed wholesalers must be prepared to satisfy Excise Tax Auditors by means of purchase invoices and copies of import entries, that the costs or values so shown on the duplicate copies of their invoices, actually represent the true purchase prices of domestic goods, or the duty paid values of imported goods, as the case may be.

(II) They may deduct a percentage from their taxable sales to determine the taxable cost or duty paid value of the merchandise sold, the percentage to be arrived at in the following manner:—

A reconstructed trading account statement is to be prepared covering the *entire* wholesale business for the two preceding years, by adding to the inventory, at the commencement of the period, the two years' purchases at cost and the duty paid value of imported goods, and deducting the inventory at the close of the period, thus determining the taxable cost of goods sold: deduct this figure from gross sales for the two-year period, and determine the percentage necessary to apply to sales to reduce them to taxable cost.

At the close of each wholesaler's fiscal year, he is required to recalculate the percentage, to determine that to be used for the ensuing year, using the formula given above, omitting the oldest year's business, and substituting results of his business for the year just closed.

It is the duty of licensed wholesalers to calculate the percentage they are to use as a deduction from sales, for sales tax purposes, and Excise Tax Auditors are to check the basis from time to time during their audits.

Where licensed wholesalers do not cost each taxable item, the above formula must be used without variation and their entire wholesale business is to be used in the calculation of the discount, and not only certain portions of it.

Licensed wholesalers who are in doubt regarding the proper application of method No. (II), as above indicated, should apply to the Department for any information or assistance that they may require.

**7. CONTAINERS AND COVERINGS**

If goods subject to Sales Tax are sold in returnable packages for which a charge is made at the time of delivery, the tax at the current rate applies on the packages without deduction of any discount, subject to credit to the licensee when, and if the package is returned, the credit in no case to

**Excise Tax Act—continued**

exceed the amount of tax which was actually paid. The tax is payable on the charge made for the container; provided, however, that if such charge is less than the cost of the container to the manufacturer, producer or wholesaler, then the tax shall be payable on the cost value of the container.

Freight or other charges covering the return of the packages will not be allowed as deductions from the tax.

If goods are sold in returnable packages, and the charge for the package is in the form of a memorandum only, the licensed manufacturer, producer or wholesaler may make to the Department, not later than the end of March in each year, an annual return for Consumption or Sales Tax on such packages, instead of monthly returns.

Where annual or monthly returns on containers are made, Sales Tax at the current rate is to be paid on the difference between the number shipped out and those returned during the period for which the return is being made. The value of containers for payment of the tax shall be the charge made for them, but in no case shall be less than their cost to the licensee.

Sales Tax is not to apply on usual coverings containing materials imported by licensed wholesalers for resale, or by licensed manufacturers to be used in, wrought into, or attached to articles to be manufactured or produced for sale, and which are articles subject to the Consumption or Sales Tax.

Coverings containing imported tax-exempt goods, when dealt with as usual coverings for Customs purposes, may be regarded as exempt from the Consumption or Sales Tax. (See Circular 784-C.)

**8. RETURNED GOODS**

If goods are returned as unsatisfactory or as damaged in transit and goods of the same value are supplied in exchange, no charge being made for the goods so supplied, no tax is applicable on the goods supplied in exchange.

If the articles supplied in exchange for those returned as unsatisfactory or as damaged in transit are of greater value, tax is collectible on the difference in value as payable by the purchaser.

If the goods supplied in exchange for those returned as unsatisfactory or as damaged in transit are of a less value, the amount of tax on such difference may be refunded or credited to the purchaser, if the original amount of tax was charged to him or paid by him; or if, in the meantime, the tax has been paid to the Department, credit for the amount of the tax on the difference may be taken by the vendor in his next succeeding tax return.

If goods are returned as unsatisfactory or as damaged in transit, and are not replaced, and further, if the total purchase price is refunded or credited, the vendor may refund or credit the amount of tax collected or charged to the purchaser. If the tax has been paid by the vendor to the Department, credit may be taken in the vendor's next succeeding tax return.

If goods are imported by a licensee and are subsequently forwarded to the foreign shipper's unlicensed Canadian agent, the licensee who imported the goods free from Sales Tax must pay the tax on not less than the duty paid value of the goods in his next succeeding sales tax return.



**Excise Tax Act—continued**

**9. DOMESTIC GOODS LOST OR DAMAGED IN TRANSIT**

Consumption or Sales Tax is payable at the time of delivery. Delivery of goods to a common carrier is *prima facie* deemed to be delivery to the buyer, and the tax is payable if such delivery has been made.

Where the licensed manufacturer is reimbursed by a common carrier for goods lost or damaged in transit, the Sales Tax shall apply on the amount so received.

**10. INVOICES**

(a) A licensed manufacturer or a licensed wholesaler, when selling to retailers or consumers, is not required to show the tax as a separate item on the invoice.

(b) When goods are sold by a licensed manufacturer or by a licensed wholesaler to an unlicensed wholesaler or jobber, the purchaser shall be furnished with a written invoice of the goods sold, which invoice shall state separately the amount of the Consumption or Sales Tax.

(c) When goods are sold by an unlicensed wholesaler or jobber to a licensed manufacturer, the purchaser shall be furnished with a written invoice of the goods sold, which invoice shall state separately the amount of the tax; the unlicensed wholesaler may, however, state on his invoice that his price does not include the Sales Tax.

(d) Where licensed manufacturers or wholesalers charge their customers a separate amount on their invoices as "sales tax," "tax," "surcharge" or other wording suggesting that the item represents tax, or a percentage equivalent to the rate of tax in effect, and the amount so charged exceeds the tax paid, the difference is required to be paid to the Department. (See section 119 of the Act.)

**11. SMALL MANUFACTURERS EXEMPT UNDER SECTION 95, SUBSECTION 2**

The following regulations are hereby established under authority of section 95, subsection 2, of The Excise Tax Act:—

The following manufacturers, *when selling exclusively by retail*, are classified as small manufacturers and are not required to obtain sales tax licences,—

Blacksmiths	Picture Framers
Dentists	Plumbers
Druggists	Shoemakers
Milliners	Tinsmiths
Opticians	

Merchant tailors and dressmakers who manufacture only to the order of each individual customer and who do not sell their goods through agents, travellers, commission salesmen or other dealers, or through a chain of stores;

Photographers who do not make and sell photographs to be used in connection with the manufacture or sale of other goods;

Manufacturers of show cards and signs of a non-permanent nature, i.e., cotton, paper, or cardboard signs, used for advertising bazaars, street parades, etc. This exemption does not apply to electric or street signs which are permanently fixed and made of durable materials nor to signs manufactured or produced by the "silk screen" process;

Cider millers who produce cider for a customer from his own apples.

**Excise Tax Act—continued****12. JOB PRINTERS**

Job printing shall include multigraphing, mimeographing and all other forms of reproduction.

Publishers or Job Printers who manufacture or produce job printed matter to a value not in excess of three thousand dollars per annum, and who sell the job printing exclusively to users, shall be exempt from the Consumption or Sales Tax on their sales.

Where persons, firms or corporations produce printed, multigraphed or mimeographed matter for their own use, to a value of over three thousand dollars per annum, they are required to account for the Consumption or Sales Tax on their total production of such goods. The tax is to be computed on the total cost of all materials (including electros, engravings, stereotypes), plus 220 per cent. The value of negatives, electros, engravings, stereotypes, half-tones, and other printing plates is to be included only once in the value on which Sales Tax is to be calculated and not each re-run.

Printing brokers who do not supply any materials and who purchase printing outright from a number of sources and who resell for their own account, assuming all credit risks, need not operate under sales tax licence.

**13. FURS***Dressers and Dyers**Re Excise Tax*

Dressers and Dyers of Furs are required to obtain excise tax licences and account for the Excise Tax on furs dressed, dyed, and dressed and dyed by them on the current market value of the furs, payable at the time of delivery to the customer.

The "current market value of furs" referred to in subsection 1 of section 80A of The Excise Tax Act, means in addition to the cost of the raw furs to the owner, all costs of freight, cartage, exchange, insurance, royalties and duty for delivering the furs to him, and in addition, the charges for dressing and dyeing.

Where the owner of the raw furs is himself the trapper, the value of the raw furs will be fixed by departmental officers under authority of the Minister.

Where the owner has the furs forwarded direct to the dresser or dyer, the carriage charges shall be added for the calculation of the tax as outlined above, but if the owner sends the furs from his own place of business in Canada, the carriage charges paid to a common carrier are not to be included in the value on which the Excise Tax is to be calculated.

Where the owner of the raw furs is a dresser or dyer, the "current market value of furs" referred to in the above-mentioned section of the Act means all costs referred to above, and in addition, an amount equivalent to the charge he would make to independent customers for dressing and dyeing the furs.

No delivery of taxable furs shall be made to any person by a licensed dresser or dyer of furs unless the tax imposed by subsection 1 of section 80A of The Excise Tax Act has been paid.

Every person liable for payment of the Excise Tax under the provisions of subsection 1 of section 80A of the said Act shall, in addition to the monthly returns required by subsection 1 of section 106, make a daily return on Form E-164 to the Collector of Customs and Excise, showing the

# **Excise Tax Act—continued**

total taxable value and the amount of tax due by him on his deliveries of dressed furs, dyed furs and dressed and dyed furs for the last preceding business day, or, if no taxable deliveries have been made during the preceding day, certifying to that effect.

Dressers and dyers of sheepskin shearlings are required to account for the Excise Tax on certain of these, in accordance with Special Departmental Circular dated October 12, 1946, on this subject.

## **Re Sales Tax**

Dressers and Dyers of Furs are also required to obtain sales tax licences and account for the Sales Tax on furs dressed, dyed, and dressed and dyed by them on the current market value of the furs as defined above, when charged to other than licensed customers.

The Sales Tax on sheepskin shearlings is payable on the actual selling price, except of course when sold to licensees under their licence numbers and proper certificates.

## **Manufacturers, Repairers or Remodellers of Fur Articles**

Manufacturers who produce articles of fur are required to obtain sales tax licences and pay the Consumption or Sales Tax on their sales of these goods.

Manufacturers of fur articles who sell their products to wholesalers, jobbers, departmental or chain stores are required to account for the Sales Tax at the current rate on the actual selling prices. This regulation will also apply to the sales of any clear-outs, discontinued lines, or any sales where the selling price is lower than the regular selling price to ordinary retailers less 10 per cent.

Manufacturers of fur articles who sell their products directly to the user are required to account for the Sales Tax on the selling price to the user less 37 per cent, the Sales Tax at the current rate to apply ON the remainder.

Manufacturers of fur articles who sell their products to ordinary retailers may account for the Sales Tax on the selling price to such ordinary retailers less 10 per cent and the Sales Tax at the current rate is to apply ON the remainder.

Remodelling or repairing of fur articles will be held to be manufacturing or producing if the charge therefor exceeds \$25.00 on any one article and the Sales Tax is to be calculated on the same basis as if a new article had been produced. On repairs where the charge for each article does not exceed \$25.00, no Sales Tax is applicable.

## **14. CONTRACTS**

Persons, firms or corporations who manufacture and erect or install their products are required to be licensed and to compute and pay Sales Tax on the basis outlined below:—

On the total charges made, less actual costs for erection and freight to the job where this is paid to independent carrier companies.

The Erection Costs may include:—

### **1. Erection Salaries and Wages**

- (a) The wages actually paid to workmen for the time employed on the actual erection or installation work on the permanent site;



**Excise Tax Act—continued**

- (b) The salaries of foremen or superintendents who are engaged solely on erection or installation work on the permanent site or in the event that such superintendents or foremen are employed both in the shops and on the job, their salaries shall be prorated according to the time spent in each.

**2. Erection Expense**

- (a) The transportation of workmen, foremen or superintendents to and from the job, if the work is being performed at a point distant from the plant and the transportation of the men to and from the job is paid to independent carriers by the licensee;
- (b) The board and maintenance of these men while at the job, if it be distant from the plant and if such maintenance and living expenses are provided and paid for by the licensee;
- (c) Incidental materials such as scaffolding, etc., purchased *exclusively* for the job, less the amount realized for such materials when sold after the job is completed, or the equivalent value if the materials are placed in the licensee's stock;

NOTE.—Licensees must not purchase the materials referred to in (c) under their sales tax licences.

**3. Power, Heat and Light**

Deduction may be made for the above items actually supplied to and used solely on the erection site; this is not to include these items nor any portion thereof used in the factory.

**4. Insurance**

This item to cover the actual insurance premiums paid for fire and theft protection at the site of erection and to cover the material, tools and equipment actually on the site, or while in transit, and insurance premiums paid for public liability and property damage during erection.

**5. Workmen's Compensation Charges**

This item to include sums paid under Workmen's Compensation Acts of the various provinces, and is that item applicable only to compensation paid on account of workmen engaged solely in erection or installation work.

**6. Freight**

This item to include the actual charges paid to independent carrier companies for transportation of the material and equipment for erection to the site of erection or installation.

**7. Profit**

The profit derived from the contract may be divided pro rata according to erection and all other costs and that portion applicable to the erection may be deducted for sales tax purposes.

NOTE.—Profit is not to be prorated on freight on material to the site of erection, nor on freight on contractors' material or equipment to and from the site.

Adequate records must be maintained to show the disbursements actually made for the items cited above, and failing the production of such evidence, no deductions from the total charges made for the completely installed or erected materials will be permitted for sales tax purposes.

**Excise Tax Act—continued**

The above deductions are allowable only in cases where the customer has not been charged with the Sales Tax, or its equivalent, on the total charges made. If the tax, or a corresponding percentage, has been charged to the customer, such charge will be regarded as the Sales Tax, and no deduction permitted therefrom.

Where it is established to the satisfaction of the Minister of National Revenue that the existing method of computing the Sales Tax used by the manufacturer yields at least as much revenue as the method provided for above, the Minister may, at his discretion, determine which method shall be operative in respect of each case affected.

**15. SAMPLES**

Samples which are manufactured in Canada and distributed gratis by the licensed manufacturers thereof are not subject to Excise Taxes.

Samples when imported, except when they have no commercial value, are taxable.

Samples for which a charge is made by the Canadian manufacturer are subject to taxes on the selling price.

**16. HOSPITALS**

When the hospitals enumerated in Circular 707-C Eighth Revision and Supplements thereto, purchase or import articles or materials for their own use and not for resale under the conditions of the exemption, they are required to supply the certificate, referred to under "Certificates" in these Regulations, on their orders or import entries, as the case may be.

Where the hospitals have failed to supply the required certificate on their purchase orders, Sales Tax is to be accounted for by licensees in order to obviate future retroactive assessments. Unlicensed suppliers should obtain the certificate in order to substantiate their claims for refund. The certificates are to be retained on suppliers' files, pending examination by departmental officials from time to time as required.

The exemption for Sales Tax does not extend to other Excise Taxes, except in the case of provincial government institutions.

**17. EXPORTED GOODS**

The Excise Taxes imposed by The Excise Tax Act do not apply to goods exported.

When taxable goods are exported, the following evidence of exportation is required to be maintained for examination by Excise Tax Auditors—

- (i) Copy of invoice showing sale of goods to a foreign purchaser;
- (ii) Copy of bill of lading showing direct and unbroken transit to the foreign purchaser;
- (iii) Export Entry—(Form B 13 combining Export Form B), certified to by a proper officer of National Revenue.

Claims for refund shall not be allowed on goods sold and used and subsequently exported.

**18. REPAIRS**

Sales Tax applies on repair parts imported, and also on the sale by the manufacturer of repair parts manufactured in Canada, unless these are for use directly in the process of manufacture or production of goods.

**Excise Tax Act—continued**

Where a licensed manufacturer manufactures taxable repair parts for his own use, Sales Tax applies on the selling price if similar parts are sold; if no sales of similar goods are made, the fair market value will be determined by the Minister of National Revenue.

The labour charge for installing repair parts is not subject to the tax.

For information concerning repairing of fur articles see Section 13 of these Regulations.

**19. CUSTOM WORK**

Custom work performed for a licensed manufacturer or a licensed wholesaler is not subject to the tax, provided the licensed manufacturer or licensed wholesaler quotes his sales tax licence number on the order for such work and certifies thereon that the goods are for resale.

**20. GOODS MADE FOR MANUFACTURER'S OWN USE**

Goods manufactured or produced by a manufacturer for his own use are subject to Sales Tax based on the selling prices if sold, and where such prices have not been determined by sales by the manufacturer, the value will be fixed by the Minister in each case.

The Sales Tax does not apply to machinery and apparatus, as defined by the Minister of National Revenue, and complete parts thereof which, in the opinion of the Minister, are to be used directly in the process of manufacture or production of goods, not to include office equipment or motor vehicles.

**21. FREIGHT**

Where a manufacturer pays the Sales Tax on the actual selling price of his products, freight and/or cartage paid to independent carrier companies for transporting the merchandise from his factory, including shipments from branch(es), to the purchasers is not taxable, provided that freight so paid is shown as a separate item on the office copy of the sales invoice.

Where manufacturers avail themselves of a wholesale discount fixed by the Minister in which freight has already been calculated in the discount, no further deduction for freight or cartage may be taken.

Where a manufacturer is accounting for the Sales Tax on his wholesale price, established by sales to *bona fide* independent wholesalers, and such price includes freight, equivalent deduction may be made on account of the freight or cartage paid to independent carrier companies for transporting his goods to other purchasers, i.e. the price to independent wholesalers, less prepaid freight to them, is the wholesale price on which the tax is payable.

Where a manufacturing operates branch warehouses and accounts for the Consumption or Sales Tax on transfer of his products to the unlicensed branch(es), the freight or cartage paid to independent carrier companies for transporting the goods from his factory to such branch(es) may be deducted before computation of the tax. Where such manufacturers also sell from the branch(es) to wholesalers beyond the point at which the branch(es) is located and prepay freight to them, this would be deductible and equivalent freight paid on sales to other purchasers could also be deducted.



**Excise Tax Act—continued**

It will be necessary that freight referred to above be shown as a separate item on the office copy of the sales invoice and that evidence of payment to independent carrier companies by means of receipted freight or cartage bills be maintained on file for examination by Excise Tax Auditors from time to time as may be required.

**22. SHIPS' STORES**

1. Imported materials (as per list contained in Memorandum D19 (1st Revision) ) may be delivered as ships' stores from Customs Bond free from Excise Taxes, if complying with the existing regulations.

2. Goods subject to domestic Excise Taxes may be delivered free from such taxes on board the vessels mentioned below under regulations as contained in Circular 327-C Revised and in Memorandum D19 (1st Revision).

3. Domestic articles, which are consumable stores, and fuel oil, illuminating oil, lubricating oil, and kerosene or coal oil over .725 specific gravity, may be delivered free from Excise Taxes for use as ship's stores, to ocean-going vessels bound on a voyage to a port out of Canada, to vessels engaged in trade between an Atlantic port and a Pacific port of Canada, and to fishing vessels clearing direct for the deep sea fisheries, seal fisheries, or for delivery to British and foreign warships, and telegraph cable ships, for use on such vessels under the following regulations, viz:—

- (a) Such goods, when sent from a place other than that from which the said vessels sail, shall be entered ex-warehouse, as in the case of goods for export, the usual bond being taken and the goods consigned to the order of the Collector of Customs and Excise at the port of exit from Canada.
- (b) Such goods shall be delivered to vessels sailing from a warehousing port only.
- (c) The owner or agent of any such vessel shall give a written guarantee to the Collector of Customs and Excise that such goods shall be used only on such vessel while on the high seas, and shall in no case be relanded in Canada without the specific permission of the Department of National Revenue being obtained in each case.
- (d) The Master, or other duly authorized officer of the vessel to which such goods are delivered, shall give a receipt in writing, in duplicate, therefor, and such goods shall in all cases be laden on board the vessel under supervision of an officer of National Revenue and be delivered in his presence to the Master, or other duly authorized officer.
- (e) One copy of such receipt, countersigned by the National Revenue officer, shall be forwarded by the Collector at the port of exit to the Collector at the port from which the goods were shipped in bond, and shall be his authority for the cancellation of the bond.
- (f) The quantity of goods so delivered at any one time shall be a reasonable quantity required for a return voyage, of which the Collector of Customs and Excise shall be the judge.
- (g) These goods may be constructively warehoused, and warehouse entries passed therefor at the port of shipment, and these regulations will be deemed to have been complied with when duly completed entries ex-warehouse for ships' stores are returned to the sending port.

**Excise Tax Act—continued****23. DOMINION GOVERNMENT**

Taxable goods sold to or imported by Departments of the Dominion Government are subject to Excise Taxes.

**24. PROVINCIAL GOVERNMENTS**

Goods sold to or imported by any Provincial Government, Department thereof, or Provincial Government Institution, not to include any railway, commission, university, board or public utility which is established or operated by or under authority of the Legislature or the Lieutenant-Governor in Council of any Province, are exempt from Excise Taxes, provided a certificate is furnished on the purchase order or import entry by an authorized official of the Provincial Government to the effect that the goods are purchased with Crown funds, and are for a purpose other than for resale.

**25. DIRECT SHIPMENT—EXEMPTION**

Subject to compliance with the conditions hereinafter provided, the Consumption or Sales Tax is not to apply:—

- (a) On materials to be used in, wrought into, or attached to taxable goods sold by a licensed manufacturer or licensed wholesaler to an unlicensed wholesaler and resold by the latter to another licensed manufacturer;
- (b) On taxable goods sold by a licensed manufacturer or a licensed wholesaler to an unlicensed wholesaler or other dealer and resold by the latter
  - (i) to another licensed wholesaler;
  - (ii) to a Department of a Provincial Government entitled to obtain the goods for its own use, and not for resale, exempt from the tax;
  - (iii) to a *bona fide* public hospital certified to be such by the Department of National Health and Welfare for its own use and not for sale;
  - (iv) to a purchaser in a foreign country;
  - (v) under any other exempt conditions;

Provided the goods are shipped or delivered DIRECT from the licensed manufacturer or licensed wholesaler making the first sale, to the second licensee, Provincial Government Department, public hospital or purchaser in a foreign country, as the case may be, and that proof of such direct shipment or delivery, together with a certified copy of the exempted purchaser's order, bearing the certificate applicable, and the licence number where required, are filed in the office of the first vendor.

D. SIM,

*Deputy Minister of National Revenue,  
Customs and Excise.*

1st September, 1948.

**2. Securities Transfer Tax Regulations**

1st January, 1947.

*The Regulations Herein are Made and Established by the Minister of National Revenue under and by Virtue of the Power Conferred by the Excise Tax Act.*

*These Regulations are Effective on and after January 1, 1947.*

**Excise Tax Act—continued**

**1. DEFINITIONS**

In these regulations unless the context otherwise requires,

- (a) "bank" means a bank as defined by section 43 of the Special War Revenue Act.
- (b) "bond dealer" means any person, firm or corporation which engages in the business of buying and selling bonds, either as principal or agent—but does not include an investment trust, holding company, or investment company.
- (c) "stock broker" means a person, firm or corporation which engages in the business of buying and selling shares, either as principal or agent—but does not include an investment trust, holding company or investment company,
- (d) "transfer agent" means any person, firm or corporation which undertakes to record or register changes of ownership in bonds or shares, other than its own bonds or the shares of its own capital stock.
- (e) "trust company" means any corporation empowered by its charter to act as executor, administrator or trustee.

**2. PAYMENT OF SECURITIES TRANSFER TAX BY BANKS, BOND DEALERS, STOCK BROKERS AND TRUST COMPANIES**

Banks, bond dealers, stock brokers and trust companies, except as provided by Regulation (10) herein, shall make a monthly return on form K 58 to the Collector of Customs and Excise, not later than the fifteenth day of the month following that in which the transactions occurred, stating the name and address of the Bank, Bond Dealer, Stock Broker or Trust Company, the period covered, the tax applicable on transactions in that period, other than transactions executed on a recognized Stock Exchange in Canada, and such details of each transaction as are essential for verification by officers of the Department of National Revenue. Such return shall be signed by the duly appointed officer or Attorney of the Bank, Bond Dealer, Stock Broker or Trust Company making it and shall be accompanied by payment in full of the amount of the tax due. The Minister may, however, upon application in writing by a person required to make returns under this section, allow such person to refer on his returns to the details available in his books and records, instead of supplying the full information herein required with his returns.

**3. PAYMENT BY OTHERS THAN BANKS, BOND DEALERS, STOCK BROKERS AND TRUST COMPANIES**

In respect of transactions in bonds and shares and in rights to receive bonds and shares taxable under this Act for which no other method of payment is provided, the tax shall be paid by affixing excise tax stamps of the requisite value to the relevant documents and effectively cancelling same.

The vendor or assignor or other person by whom the change of ownership is effected shall make a memorandum of the transaction, affix excise tax stamps of the requisite value thereto, effectively cancel same and retain the said memorandum on file for inspection by the officers of this Department, provided that, in the cases where the security is transferred in Canada, the tax shall be paid to the transfer agent or company transferring its own stock, to be accounted for by said agent or company as provided by regulation, and obtain a receipt for such tax, which receipt shall be kept on file for inspection by the officers of the Department.



**Excise Tax Act—continued**

The Minister may, however, on application being made, grant permission in writing in appropriate cases for payment to be made by means of a monthly return as provided for by Regulation 2.

**4. SALES TO BANKS, BOND DEALERS, STOCK BROKERS AND TRUST COMPANIES**

(a) Banks, bond dealers, stock brokers and trust companies, whether acting as principals or agents, in respect of every purchase by them of a bond or share or the right to receive a bond or share from any person other than a bank, bond dealer, stock broker or trust company, shall compute the tax exigible thereon, and shall collect the said tax from the vendor, and pay the same to the Collector of Customs and Excise in the manner provided for by Regulation 2.

(b) Any person other than a bank, bond dealer, stock broker or trust company who sells or assigns a bond or share or the right to receive a bond or share to a bank, bond dealer, stock broker or trust company shall pay the tax exigible on the transaction to the said bank, bond dealer, stock broker or trust company, and the said bank, bond dealer, stock broker or trust company shall account for same to the Collector of Customs and Excise as provided for by Regulation 2.

**5. MEMBER BROKERS STOCK EXCHANGE TRANSACTIONS**

Every stock broker being a member of a recognized Stock Exchange in Canada shall in respect of the transactions executed by him on such Stock Exchange pay the tax due on such transactions to the Stock Exchange, and the Exchange shall pay it to the Collector of Customs and Excise, as provided by Regulation 6.

**6. DUTIES OF STOCK EXCHANGES**

(a) Every stock exchange shall cause each of its members to report daily in writing all sales made by him upon the floor of the exchange, and the excise tax payable thereupon, and shall collect the amount of the said tax from such member.

(b) The Secretary or other responsible officer of the exchange shall compile weekly a report in writing on a form prescribed by the Minister showing the daily totals of the tax payable upon the transactions of each member of the exchange throughout the week, the total of the tax payable for the week and such other information as the Minister may require.

(c) The said report shall be verified by the signature of the Secretary or other officer compiling the same and shall be delivered to the Collector of Customs and Excise at the Port in which the exchange carries on business, not later than the Thursday of the week following the week in which the transactions covered by the said report have taken place, together with payment in full of the tax as shown on such report.

(d) The Minister may pay a commission of three per cent of the tax so collected in consideration of an exchange guaranteeing the accuracy of reports furnished by its members, and otherwise complying strictly with the above requirements.

**7. SECURITIES HELD BY BANKS, BOND DEALERS, STOCK BROKERS AND TRUST COMPANIES FOR ACCOUNT OF OTHERS**

Every bank, bond dealer, stock broker or trust company who records a change of ownership in a bond or share or the right to receive a bond or share held for the account of any person other than a bank, bond dealer,

**Excise Tax Act—continued**

stock broker or trust company which is domiciled in Canada, if sufficient proof of prior payment of the Securities Transfer Tax or of the exempt nature of the transaction be not produced, shall compute and collect the tax and pay the same to the Collector of Customs and Excise in the manner provided by Regulation 2.

**8. RECORDS TO BE KEPT BY BANKS, BOND DEALERS, STOCK BROKERS AND TRUST COMPANIES**

Every bank, bond dealer, stock broker or trust company which, either as principal or agent

- (a) sells or assigns a bond or share or the right to receive a bond or share; or
- (b) buys a bond or share or the right to receive a bond or share from a person other than a bank, bond dealer, stock broker or trust company; or
- (c) except as provided by Regulation (9) herein effects or records a change of ownership of a bond or share or the right to receive a bond or share shall
  - (i) prepare a memorandum in duplicate of the transaction;
  - (ii) deliver one copy of such memorandum to its customer (vendor or purchaser as the case may be);
  - (iii) retain one copy on file in its office for inspection of Departmental Auditors until such time as permission is given by the Department for its destruction.

**9. RECORDS TO BE KEPT BY TRANSFER AGENTS**

Every transfer agent shall

- (a) keep separately the cancelled bonds or share certificates of each association, company or corporation for which it acts as transfer agent;
- (b) retain such cancelled bonds or share certificates on file in its office in chronological order of date of transfer, pending official examination;
- (c) if desiring to return cancelled certificates to an issuing company include a true copy of the transfer register and shall in no case send such records outside of Canada without permission in writing from the Department.

**10. TRANSFERS RECORDED BY TRANSFER AGENTS OR BY CORPORATION OFFICERS**

(a) Every transfer agent, officer or servant of an association, company or corporation who records a change of ownership of a bond or share or of the right to receive a bond or share of such association, company or corporation by means of an entry in any book or otherwise, shall, unless there is produced to the said transfer agent, officer or servant, satisfactory proof that the tax payable upon such change of ownership has already been paid or that such change of ownership is not taxable, compute the tax payable thereon and collect the same from the person requesting transfer of such bond or share or right to receive a bond or share and shall pay the same forthwith by affixing excise stamps of the requisite value to the reverse side of the cancelled certificate in the case of a share, and in the case of a bond, and the right to receive a bond or share, by affixing such

**Excise Tax Act—continued**

stamps to the registration sheet or in lieu thereof, to the Power of Attorney or other instrument in writing executed by the registered owner, which is to be retained on file in the office of the transfer agent, except that in the case of trust companies and in the case of persons to whom the Minister has given permission to pay by means of monthly returns, payment of the tax shall be made by certified cheque or cash as provided for by Regulation 2.

(b) Documents or memoranda received as proof of prior payment of the tax or that no tax is payable, shall be kept until such time as official permission is given for their destruction, and the Minister shall decide if such proof is adequate.

**11. EXEMPTION IN RESPECT OF CHANGES OF OWNERSHIP BETWEEN DEALERS WHEN MARKETING NEW ISSUES OF BONDS**

The excise tax imposed by Section 59 of this Act shall not be applicable to such changes of ownership as occur in the marketing of a new issue of bonds up to and including the acquisition of bonds by the individual members of the final group which as a group has financial control of the whole issue, provided that said tax shall be applicable to changes of ownership involved in sales to any member of the group in excess of that member's liability in such group.

**12. CHANGES OF RECORDED OWNERSHIP OF BONDS OR SHARES OR RIGHTS TO RECEIVE BONDS OR SHARES**

Change of ownership for the purposes of the Act is defined as not including the following transfers:—

**1. Transfers effected solely to correct an error:—**

(a) From an erroneous name to the correct name of the transferee.

**2. Transfers involving a change in name only:—**

(a) From the former name of a company to a new name of the same company when duly authorized by Supplementary Letters Patent;

(b) From the maiden name to the married name of the same person, provided, however, in respect of any such person domiciled in the Province of Quebec, that evidence is given of her separation as to property.

**3. Transfers from a mandator to his mandatory:—**

(a) From the name of a bank or trust company to the name of one or more of its officers, merely in their capacity of nominees for such bank or trust company;

(b) From the name of a client of a bank or trust company to the name of the bank or trust company itself or to the nominees of such bank or trust company, to be held merely for the benefit and safety of the client;

(c) From the name of a person, firm or corporation making an assignment or going into liquidation under any Winding-up Act to the name of the liquidator, trustee in bankruptcy or receiver;

(d) From the name of a person, firm or corporation, or an agent of the same, to the name of a trust company or corporation for administrative purposes only;



**Excise Tax Act—continued**

- (e) From the name of the owner to the name of his broker for the purposes of sale for the sole account and benefit of the owner;
- (f) From the name of a person, firm or corporation to a trustee for the benefit of that person, firm or corporation;
- (g) From the name of an incapable person to a guardian or committee of the estate of the incapable person;
- (h) From the name of the owner to the name of a lender for the sole purpose of securing a loan.

4. Transfers from a mandatory to his mandator:—

- (a) From the name of a bank or trust company or their nominees to a client who had originally transferred the security to the name of the bank or trust company for safekeeping account;
- (b) From the name of a trust company or corporation to the name of a person, firm or corporation, or agent thereof, where the securities were held for administrative purposes only;
- (c) From the name of a guardian for a minor to the name of the minor after he has become of age;
- (d) From the name of a trustee for the benefit of a person, firm or corporation to the name of the person, firm or corporation.

5. Transfers from a mandatory to another mandatory of the same mandator or person:—

- (a) From the name of a nominee or nominees of a bank or trust company to the names of new nominees of the same bank or trust company;
- (b) From the names of executors or trustees under a will to the names of new executors or trustees under the same will;
- (c) From the name of a guardian for a minor to the name of a new guardian for the same minor;
- (d) From the name of a curator to the name of a new curator for the same person or estate.

(This to include curator to vacant estate, estate of absentee, interdict, emancipated minor, judicial adviser in the case of a prodigal.)

- (e) From the name of the trustee of an estate under the Bankruptcy Act or the Winding-up Act (federal or provincial) to the name of a new trustee for the same estate under the Bankruptcy Act or Winding-up Act;
- (f) From the name of a trustee for the benefit of a person, firm, or corporation to the name of a new trustee for the benefit of the same person, firm or corporation.

6. Transfers incidental to distribution amongst owners:—

- (a) From the name of an unincorporated society or partnership to the name of the individual members thereof on dissolution of the said society or partnership, provided that the distribution is in accordance with the holdings of each member at the time of dissolution;
- (b) From the names of officers of a company holding shares of the company in their names in trust for employees of the company who are purchasing the shares by instalments, the transfer being

**Excise Tax Act**—*continued*

made to the name of the employee at such time as he has completed his payments for the stock; provided in respect of such transactions as do not represent original issues, that tax was paid at the time of sale or transfer to the officers of the company holding same in trust.

**13. TRANSMISSIONS ON ACCOUNT OF DEATH**

The exemptions provided by section 60 (e) of The Special War Revenue Act in respect of "a transmission on account of death" shall include the following:—

- (a) From the name of a decedent to the names of the executors, administrators, or trustees under his (or her) will;
- (b) From the name of a person who died intestate to his (or her) heirs at law;
- (c) From the name of a decedent to the names of the beneficiaries under his (or her) will;
- (d) From the name of the executors or trustees of a decedent, under his (or her) will, to the names of beneficiaries under the same will.

Transfers of bonds or shares or rights to receive bonds or shares, on account of death may be recorded exempt from the tax on production, by the executor or administrator of a copy of the probate of the will or letters of administration, or in the case of a transmission by notarial will in the province of Quebec, a copy thereof, and a certificate, declaration, or affidavit by such executor or administrator that the transferee is the beneficiary under the will, or is otherwise by law entitled thereto.

**14. BOND AND SHARES AND RIGHTS TO RECEIVE BONDS OR SHARES ENTITLED TO EXEMPTION FROM THE TAX AT THE TIME OF TRANSFER**

Any bonds or shares presented to a transfer agent for transfer which,

- (a) Bear thereon a properly signed and dated certification by a member broker of any Stock Exchange in Canada that he has paid the Securities Transfer Tax on the sale of such bonds or shares to the Crown through the medium of the Exchange (the name of the Exchange to be specified); or
- (b) Bear thereon a properly signed and dated certification by any bank, bond dealer, stock broker or trust company, or other duly authorized person that he has paid the Securities Transfer Tax on the sale of such bonds or rights to receive bonds or shares to the Crown as provided by regulation; or
- (c) Bear thereon a properly signed and dated certification by either the transferor or transferee that no taxable change of ownership is involved in the transfer by reason of certain conditions (the exact conditions in each instance to be specified); or
- (d) Bear thereon a certification by a recognized broker or dealer in Canada to the following effect:—

We hereby certify that these bonds, shares or rights to receive bonds or shares, as the case may be are shown by our records as having been purchased in Canada for the account of the transferee, and as such that no change of ownership is involved in this transfer.

- (e) Are accompanied by documentary proof that the transaction is exempt under the provisions of section 60 (f) of the Act;

**Excise Tax Act—continued**

- (f) Are accompanied by a memorandum of sale to the transferee to which excise tax stamps of the requisite value have been duly affixed; or
- (g) Are accompanied by a power of attorney or other instrument in writing attesting the sale or assignment of the security to the transferee, to which excise tax stamps of the requisite value have been duly affixed;
- (h) Are accompanied by documentary proof that the transfer required is strictly in accord with the provisions of a will, or in due course of the administration, of the estate of an intestate;
- (i) Are accompanied by a power of attorney or other instrument in writing bearing thereon a certificate as in (a), (b), (c) and (d) above;

may be transferred on the books of the association, company or corporation without payment of further tax.

The certifications mentioned above must bear full signature and initials are not to be accepted. Signatures must be by a member of the firm or officer of a corporation or a duly constituted attorney thereof.

**15. TRANSFER OF SHARES NECESSARY TO QUALIFY DIRECTORS**

The qualifying shares issued to the provisional directors of a new incorporation, may be transferred to the permanent directors when appointed free from the Securities Transfer Tax. Any subsequent transfers of such shares would, however, be taxable.

**16. DISTRIBUTION OF ASSETS**

The distribution of bonds or shares or rights to receive bonds or shares included in the assets of an association, company or corporation constitutes a taxable change of ownership.

**17. DONATIONS OF SHARES**

Where shares of an association, company or corporation have been donated to a trustee to be sold, either by such trustee or by the directors of the association, company or corporation for its benefit, the Securities Transfer Tax is properly payable, both in respect of the donation, and also of the subsequent sale.

**18. ASSUMPTION OF OWNERSHIP BY LENDER**

The assumption of ownership by the lender of any bond or share, or right to receive a bond or share, pledged as security for an advance or a loan constitutes a taxable change of ownership and the lender on assuming ownership shall compute the tax payable and collect it from the borrower and pay it to the Collector of Customs and Excise as hereinbefore provided.

**19. "AGENCY" PURCHASES**

1. Any transaction in bonds purporting to be a purchase for the account of a broker, bond dealer, bank or trust company, which is not confirmed to the said broker, bond dealer, bank or trust company, as an agency transaction,

- (a) as of the same day on which the transaction occurred,



**Excise Tax Act**—*continued*

(b) at the price at which said bonds were actually purchased for the said account, plus only the usual or stipulated commission if any, which must be shown as a separate item on the confirmation, and in regard to which the agency status of the person executing the transaction is not established by,

- (c) a signed order or appointment or the confirmation of the principal, made out at the time of the transaction, expressed substantially in the terms, "you have to-day purchased for our account", and setting out the price and commission being paid,

shall be deemed to be a sale by the broker, bond dealer, bank or trust company purporting to act as an agent, and therefore a change of ownership subject to the payment of securities transfer tax.

2. Any transaction in a bond or share purporting to be a purchase for the account of another person, in respect of which—

- (a) the transaction has not been confirmed to the principal as of the same date as effected,  
 (b) the account of the principal has not been debited with the actual amount of the purchase price, plus only brokerage or usual or stipulated commission if any,  
 (c) the person effecting the purchase has realized a profit or loss on the transaction other than such commission or brokerage, or interest incidental to the completion of the transaction,

shall be deemed to be a sale by the person purporting to have acted as agent or broker, and therefore a change of ownership, subject to securities transfer tax.

**20. "AGENCY " SALES**

1. Any transaction in bonds purporting to be a sale for the account of a broker, bond dealer, bank or trust company which is not confirmed as an agency transaction,

- (a) as of the same day on which the transaction occurred,  
 (b) at the price at which such bonds were actually sold for said account, less only the amount of the tax payable thereon and the usual or stipulated commission if any, which must be shown as a separate item on the confirmation,

and in regard to which the agency status of the person executing the transaction is not established by,

- (c) a signed order or appointment or the confirmation of the principal, made out at the time of the transaction, expressed substantially in the terms, "you have to-day sold for our account", and setting forth the price, and the commission and tax being paid,

shall be deemed to be a sale by the broker, bond dealer, bank or trust company to the person purporting to act as an agent, and a further sale by the said person to the purchaser, and both shall be considered changes of ownership subject to securities transfer tax.

2. Any transaction in a bond or share purporting to be a sale for the account of another person, in respect of which—

- (a) the transaction has not been confirmed to the principal as of the same date as effected,

**Excise Tax Act—continued**

- (b) the account of the principal has not been credited with the actual amount of the sale price less only the amount of the tax payable thereon and usual or stipulated commission, if any, or brokerage,
- (c) the person effecting the sale has realized a profit or loss on the transaction other than such commission or brokerage, or interest incidental to the completion of the transaction,

shall be deemed to be a sale by that person to the broker or dealer purporting to act as agent, and a further sale by such broker or dealer to the purchaser and both shall be considered changes of ownership subject to securities transfer tax.

JAMES J. McCANN,  
*Minister of National Revenue.*

**3. Refund Claims**

720-C.  
June 7, 1932.

The following Regulations are established under the provisions of section 99 of the Excise Tax Act:

**1.** When Sales and Excise Taxes, properly *paid at time of importation*, become subject to refund on account of subsequent sale of the goods in Canada under certain conditions, claims for refund of such sales and excise taxes are to be submitted to the Department on Form N. 15 amended, accompanied by Form N. 15A. Supporting documents are to be kept on file at the office of the applicant, so as to be available if required.

**2.** All such claims must be verified as to principal and amount by an Excise Tax Auditor, provided that in the case of a claim for less than \$100 verification of the amount may be made by any other duly authorized officer of the Department.

**3.** Officers who complete and sign the certificate on Form N. 15 amended are required to make such certificate as comprehensive as possible, indicating that all supporting documents have been examined and are on file, and where any special form of certificate is called for, the production of same must be indicated. Officers concerned will be held accountable for the accuracy of any claim which they have certified.

**4.** The following claims are to be submitted in accordance with the above:—

- (a) Goods sold to a licensed manufacturer for further manufacture and resale.
- (b) Goods sold to a licensed wholesaler for resale.
- (c) Goods sold to a licensee to be used as consumable materials or non-permanent equipment.
- (d) Goods sold to the Government of any province of Canada if the said goods are purchased by it for any purpose other than purposes of resale or of any railway, commission, board or public utility which is operated by or under the authority of the Legislature or the Lieutenant-Governor in Council of the province.
- (e) Goods sold to public hospitals certified to be such by the Department of National Health.

**Excise Tax Act—continued**

- (f) Goods sold for use in the construction, equipment or repair of ships.
- (g) Goods sold for use in the manufacture of certain agricultural implements and machinery.
- (h) Goods sold as ships' stores.
- (i) Other claims of similar nature.

5. Claims for refund of taxes paid on domestic purchases are to be submitted in a similar manner.

6. These Regulations will not apply to claims arising out of any adjustment of the value or rating, nor to claims on tax computed or paid in error on customs entries, which claims are to be submitted on Form K. 14 as heretofore.

7. In order to establish a uniform practice these Regulations will apply to all refund claims submitted to the Department for consideration on and after July 1, 1932.

G. W. H. TAYLOR,  
*Commissioner of Excise.*

**4. Cigarette Papers and Tubes**

745-C.  
8th January, 1934.

Part X of The Excise Tax Act, section 77A, subsection (3) provides that: "No manufacturer or importer shall sell or import cigarette papers or cigarette paper tubes unless they are in packets or packages".

The Minister of National Revenue has been pleased to make the following regulation, under authority of Section 99 of The Special War Revenue Act:

The packets or packages of leaves or tubes aforementioned must not be broken or divided by dealers or by tobacco manufacturers who pack them with cut tobaccos.

D. SIM,  
*Commissioner of Excise.*

**5. Ice Cream**

763-C.  
12th April, 1935.

The Minister of National Revenue has been pleased to establish the following regulation under authority of sections 98 and 99 of the Special War Revenue Act:

Manufacturers of ice cream shall account for sales tax on this commodity on a value of one dollar and ten (\$1.10) per Imperial gallon, effective from May 1st, 1935.

D. SIM,  
*Commissioner of Excise.*



**Excise Tax Act—continued**

**6. Embossed Cheques**

718-C. 2nd Revision.  
May 8th, 1937.

The Department will accept requisitions for the embossing of blank cheques or money orders, with either the three-cent or six-cent Excise Tax Stamp, free of charge, as respects the cost of embossing, subject to compliance with the following regulations, viz:—

1. The requisition shall be addressed to the Commissioner of Excise, Ottawa, stating the number of cheques or money orders desired to be embossed, with the name and address of the individual, or company, for whom intended, and the name and address of the applicant.

2. The requisition must be accompanied by an accepted cheque drawn on a chartered Canadian bank or an express or postal money order in favour of the Receiver General of Canada for the full amount of the Excise Tax on the number of blank cheques covered thereby.

3. The blank cheques (or money orders) are to be forwarded to the British American Bank Note Company, Ltd., Ottawa, the outer covering of the parcel being also marked to indicate the name and address of the shipper.

4. The Department will not pay transportation on these cheques either to or from Ottawa.

5. When more than one kind of cheque is included in a shipment, each class should be clearly defined, the top sheet of each lot indicating the position where it is desired the stamp should be placed, as well as the gauges to which the sheet was fed. The impression will be made as near to the point indicated as the circumstances will permit.

6. The paper is to be of such quality, thickness and colour as to be suitable for receiving the impression of the die, a red coloured ink being used for this purpose.

7. The paper should be flat and uncreased, and not be gummed, folded, perforated, rouletted or numbered before it is sent to be stamped.

8. Each cheque or form for which a separate stamp is required must not be less than five inches in length, nor less than one and a half inches in depth.

9. All forms, cheques or money orders must be presented for stamping in sheets, each containing at least four forms.

10. Where blank cheques do not meet the requirements of sections 7 and 9, the charge for embossing same in lots under 15,000 will be 70 cents per thousand cheques, and in lots of 15,000 or over, 20 cents per thousand cheques. Remittance payable at par in Ottawa to be made in favour of the British American Bank Note Company, Ltd., and forwarded to this Department.

11. Bound forms will not be accepted.

12. In designing cheques, etc., a space of one and a quarter inches in depth and one inch in width should be provided for the embossing of the stamp.

**Excise Tax Act—continued**

13. Requisitions for the embossing of less than one thousand forms with either stamp will not be accepted.

14. In shipping blank forms a sufficient quantity should be provided to allow for spoilage in embossing, and all cheques, etc., should be carefully counted before being shipped.

15. Spoiled forms will not be returned.

16. Blank forms left over when the requisition has been filled will be returned upon request.

17. The Department will not accept any responsibility for injury to material in the process of stamping, nor for loss of stamps, or material, which may arise during transmission to and from Ottawa.

18. Refund of the Excise Tax less cost of embossing may be paid on spoiled, cancelled, or other unused cheques, etc., embossed with such Excise Tax Stamps, which have not been issued, provided that the aggregate value is not less than five dollars; that the unused cheques (not portions thereof) are forwarded, transportation charges prepaid, to the Commissioner of Excise, Ottawa, and that an application is mailed, under separate cover, stating the precise value of cheques or money orders, upon which refund is claimed, in addition to the reason for their return.

D. SIM,

*Commissioner of Excise.*

**7. Tents, Awnings, Tarpaulins, and Similar Goods**

794-C

9th November, 1937.

The Minister of National Revenue has been pleased to establish the following regulations, under authority of section 99 of the Special War Revenue Act:—

Effective January 1, 1938, sales tax is to be accounted for on the transfer of tents, awnings, tarpaulins, sleeping and other bags and other canvas or duck goods, on the following basis:—

A.

SALES TO WHOLESALERS, JOBBERS, DEPARTMENTAL AND CHAIN STORES

SALES TO LUMBER, PULP, PAPER AND MINING COMPANIES, TRANSPORTATION COMPANIES, ROAD CONTRACTORS, CARNIVALS AND TRAVELLING SHOWS

SALES TO OTHERS WHO OBTAIN THE SAME PRICES AS THOSE MENTIONED IN THE FOREGOING CATEGORIES

SALES OF GOODS ESPECIALLY MADE TO A CUSTOMER'S ORDER OR SPECIFICATION

The sales tax applies on the above sales on the actual selling prices, except that, where sales to the above customers are at tax-included prices, the tax may be computed accordingly.

Deductions from such selling prices may be allowed in respect of prepaid transportation charges paid to independent carrier companies and shown separately on invoices and/or cash discounts or other

**Excise Tax Act—continued**

allowances actually given by the manufacturer on sales to purchasers referred to above. If the manufacturer erects or installs the goods sold, the actual erection expense he incurs may be deducted for sales tax purposes.

**B.**

**SALES TO ORDINARY RETAILERS**

Manufacturers of tents, awnings, tarpaulins, sleeping bags and other canvas goods may account for sales tax on their sales of these goods to ordinary retailers on the basis of the regular list selling prices to such retailers, less a discount of 10 per cent, the sales tax to apply ON the remainder and not OF it. By "ordinary retailers" is meant retail stores which do not obtain any preferred prices or other discounts of any kind from established list prices.

NOTE. The goods on which the above discount may be taken are regular stock merchandise lines and must be for resale by the retailer.

Allowances for prepaid transportation charges and/or cash discounts, or any other allowances, may not be deducted in addition to the discount of 10 per cent.

Where sales are made at discounts less than 10 per cent from the regular list prices to ordinary retailers, the tax may be paid on the regular list prices to the ordinary retailers, less 10 per cent.

NOTE. Where sales are made in representative quantities to wholesalers, this is not to fix the value for tax on other sales.

**C.**

**SALES TO USERS OTHER THAN THOSE MENTIONED IN "A" ABOVE**

Manufacturers of tents, awnings, tarpaulins, sleeping bags and other canvas goods, who sell to users other than those mentioned in "A" above, may account for sales tax on the regular selling prices to such individuals, less a discount of 20 per cent, the tax to be calculated ON the remainder and not OF it.

NOTE. Where the manufacturer erects or installs his product, no deduction will be permitted on account of erection or installation costs, as the discount mentioned is intended to include all such costs.

**TRANSFERS TO BRANCHES**

Where a manufacturer operates branches at points distant from his factory and wishes to account for sales tax on the wholesale prices provided herein, the sales tax applies on shipment of the goods from his factory premises to his own branch or branches.

**RENTALS**

On goods which the manufacturer rents, the sales tax is payable at the time of first delivery of the new goods. The value of the goods for sales tax purposes shall be the fair market value as it would be determined if the goods were sold.

**GENERAL**

The discounts hereby established supersede and cancel those formerly applicable to the classes of merchandise mentioned herein.



**Excise Tax Act—continued**

The foregoing regulations may be applied in all cases where sales tax is not charged as a separate item on the invoices; in the event that the sales tax is charged to the customers irrespective of their status, the amount so charged must be paid to the Department without deduction.

D. SIM,  
*Commissioner of Excise.*

**8. Greeting Cards**

810-C.

21st July, 1939.

The Minister of National Revenue has been pleased to establish the following regulations under authority of section 99 of the Special War Revenue Act:—

Effective August 1, 1939, sales tax is to be accounted for on the transfer of greeting cards on the following basis:—

**PERSONAL GREETING CARDS**

This classification covers all cards produced or manufactured in Canada, on which are printed or engraved the names of the senders.

The sales tax applies on the price at which the manufacturer sells such cards to his agents or distributors, in representative quantities.

If sales are made entirely to the users, the manufacturer may account for sales tax on his regular list price to the user, less 40 per cent, sales tax to apply ON and not OF the remainder.

**AUTOGRAPHED GREETING CARDS**

This classification covers all greeting cards produced or manufactured in Canada, on which the name of the sender is not printed nor engraved.

The sales tax applies on cards of this description on the manufacturers' selling prices to whomever sold.

D. SIM,  
*Commissioner of Excise.*

**9. Boots and Shoes, Including Footwear of Material  
Other Than Rubber**

816-C.

22nd September, 1939.

The Minister of National Revenue has been pleased to establish the following regulations under authority of section 99 of the Special War Revenue Act:—

Effective November 1, 1939, sales tax is to be accounted for on the sales of boots and shoes and all other footwear, except rubber footwear and spats, on the following basis:—

**SALES TO WHOLESALERS, JOBBERS, FEDERAL GOVERNMENT DEPARTMENTS,  
DEPARTMENTAL AND CHAIN STORES**

The sales tax applies on all sales specified above on the actual selling prices, except that where the above sales are made at tax-included prices, the tax may be calculated accordingly.

**Excise Tax Act—continued**

Deductions from such selling prices may be allowed in respect of prepaid transportation charges shown separately on invoices and/or cash discounts or other allowances actually given by the manufacturer on sales to purchasers referred to above.

“Chain Stores” for purposes of this regulation means any organization of three or more stores under the same ownership, general management, supervision or control, whether the individual branches purchase separately or not, and whether the goods purchased are paid for by each store or by the central authority.

**SALES TO ORDINARY RETAILERS**

Manufacturers may account for sales tax on these sales, less a discount of 10 per cent, the tax to apply ON the remainder and not OF it. By “ordinary retailers” is meant any purchaser who is not a wholesaler, jobber, Federal Government Department, departmental or chain store.

NOTE: Where sales are made in representative quantities to wholesalers, this is not to fix the value for the tax on other sales. Allowances for freight prepaid may not be deducted in addition to the 10 per cent.

**SALES TO CONSUMERS ONLY**

Manufacturers who sell to consumers or users only will be required to account for sales tax on the transfer of these goods to their retail stores on the regular list price to the consumer or user, less a discount of 40 per cent. The sales tax is to apply ON and not OF the resultant balance.

D. SIM,  
*Commissioner of Excise.*

**10. Radio Broadcast Receiving Sets and Tubes**

826-C.

4th July, 1940.

The Minister of National Revenue has been pleased to establish the following regulations, under authority of section 99 of the Special War Revenue Act:—

Effective June 25, 1940, sales and excise taxes are to be accounted for on the sales by manufacturers of radio broadcast receiving sets and tubes therefor on the following basis:—

**SALES TO DISTRIBUTORS, WHOLESALERS OR JOBBERS  
SALES TO CHAIN OR DEPARTMENTAL STORES**

The sales and excise taxes apply on the above sales on the actual selling prices, except that, where sales to the above customers are at tax-included prices, the taxes may be computed accordingly.

Deductions from such selling prices may be allowed in respect of prepaid transportation charges paid to independent carrier companies and shown separately on invoices, and/or cash discounts or other allowances actually given by the manufacturer on sales to purchasers referred to above.

If wholesalers in different zones or territories are given different discounts only those discounts applicable in that zone or territory in which the sale is made shall apply to the sales in that zone or territory.

**Excise Tax Act—continued**

## SALES TO ORDINARY RETAILERS

(a) Where manufacturers of radio broadcast receiving sets and tubes therefor sell them to independent distributors, wholesalers or jobbers in representative quantities, in the regular and ordinary course of their businesses, this will determine the value at which they may transfer these goods from their factories to their unlicensed wholesale branches for tax purposes.

The discounts applicable will be those given to the distributors, wholesalers or jobbers in the zone or territory in which the sale to the retailer is made;

(b) Where manufacturers do not sell these products to independent distributors, wholesalers or jobbers, or where sales are not made in sufficient quantities to such buyers to be representative sales, the manufacturers may transfer the products mentioned to their unlicensed wholesale branches at the values which the Department has already approved for sales tax purposes in each case, the tax to be payable at the time of the shipment from the factories to their respective branches.

## INVENTORY

Manufacturers who desire to account for the excise tax on the basis of the wholesale price will be required to take an inventory of all radio broadcast receiving sets and tubes therefor, in their branches or on consignment in the hands of dealers or others at the close of business on July 10, 1940. The inventories are to be priced on the foregoing values and the excise tax calculated on the inventory on the basis given above.

The excise tax on the stock in branches on the date mentioned will be payable in three equal monthly instalments, commencing July 31, 1940, without imposition of interest penalties, to the Collector of Customs and Excise in the Port where the factory is situated. Goods in transit, but not received in branches in time to be included in the inventory at the close of business on July 10, 1940, are to be considered as shipments after that date and tax calculated on the basis given above and included with the monthly returns for the month of July.

All shipments to branches from July 11 onward will be treated for excise tax purposes in respect to calculation of the tax and time of payment as in the case of sales tax.

## GENERAL

Manufacturers of radio broadcast receiving sets and tubes therefor will be required to obtain an excise manufacturer's licence, the fee for which is \$2.00 per annum. By use of this licence and usual certificate, a radio broadcast receiving sets manufacturer may obtain his supplies of radio tubes free from the Excise Tax, but he will be obliged to pay the excise tax on the completed receiving set, or, if the tubes are sold separately, on their duty paid value if imported, or on their cost to him if purchased in Canada.

If a manufacturer of radio broadcast receiving sets or tubes has charged the excise tax on the selling prices to his customers, he may either issue a credit for the difference in the tax between that charged and that payable under the provisions of this circular, or pay the amount so collected to the Department.

D. SIM,  
*Commissioner of Excise.*



**Excise Tax Act—continued**

**11. Wineries**

848-C.

19th September, 1941.

The Minister of National Revenue has been pleased to establish the following regulations, under authority of section 99 of the Special War Revenue Act:—

Effective September 1st, 1941, the sales tax is to be accounted for by wineries on the following basis:

**SALES TO LIQUOR CONTROL BOARDS AND LIQUOR COMMISSIONS**

Sales tax will apply on actual selling prices, which selling prices must include the excise (gallonge) tax. Transportation charges paid to independent carrier companies for transporting the wines from the wineries to these customers are not taxable, provided the freight so paid is shown as a separate item on the sales invoices, or office copies thereof. It will be necessary, of course, that receipted freight bills be retained by the wineries for inspection by departmental officers.

**SALES TO OTHERS THAN PROVINCIAL LIQUOR CONTROL BOARDS OR COMMISSIONS**

On all sales other than those mentioned in the preceding paragraph, sales tax shall be computed on the regular list selling price to the consumer including the excise (gallonge) tax, less 28½ per cent, the sales tax to be calculated as being included in the remainder.

This discount is in lieu of all other allowances including freight, cartage, discounts and all other deductions.

NOTE.—This basis is to be used for the calculation of the sales tax on sales to consumers, whether or not similar brands are sold to provincial liquor control boards and commissions.

**CHAMPAGNE AND SPARKLING WINES**

The sales tax will apply in the same manner and on the same bases as outlined for other wines above.

**SALES TAX PAYABLE AT TIME OF TRANSFER TO UNLICENSED WHOLESALE BRANCH**

Attention is invited to Regulation No. 7 (*now Regulation No. 6*) under the heading, "Computation of Tax", commencing on page 10 of the Regulations issued under authority of the Special War Revenue Act effective January 1st, 1941. Paragraph 4 of Regulation No. 7 (*now Regulation No. 6*) reads as follows:—

"Where a manufacturer or producer accounts for sales tax on the 'Wholesale Price' as hereinbefore defined, or on a value determined by the Minister, the tax shall be payable on transfer of his taxable goods from the premises of the producing factory, whether on sale, consignment or for stock in his own branch(es), and shall be paid on or before the last day of the month following the month during which the transfer was made."

**GENERAL**

No deduction will be permitted from the values above mentioned in respect of returned empty bottles where these are returned through bottle exchanges, dealers, agents, or direct from consumers.

D. SIM,  
*Commissioner of Excise.*

**Excise Tax Act—continued****12. Clothing and Wearing Apparel**

783-C. Revised.

20th October, 1941.

The Minister of National Revenue has been pleased to establish the following regulations under authority of section 99 of the Special War Revenue Act:

Effective November 1, 1941, sales tax is to be accounted for on the transfer of clothing and wearing apparel of all kinds, except boots and shoes, by manufacturers to their unlicensed wholesale branches, on the following basis:—

**SALES TO WHOLESALERS AND JOBBERS****SALES TO CHAIN OR DEPARTMENTAL STORES**

**SALES OF CLEAR-OUTS, JOB LOTS AND UNIFORMS;** except Military, Naval or Air Force uniforms which are ordered and paid for by individuals and made to their own measurements or which are sold to ordinary retailers in the regular and ordinary course of business.

**SALES TO OTHERS WHO RECEIVE 10 PER CENT OR GREATER DISCOUNTS FROM THE PRICES TO ORDINARY RETAILERS**

The sales tax applies on the above sales on the actual selling prices.

Deductions from such selling prices may be allowed in respect of pre-paid transportation charges shown separately on invoices and/or cash discounts or other allowances actually given by the manufacturer on sales to purchasers referred to above.

**NOTE:**—Where sales are made in representative quantities to wholesalers, this is not to fix the value for tax on other sales.

**SALES TO ORDINARY RETAILERS**

Manufacturers may account for sales tax on these sales less a discount of 10 per cent, the tax to apply **ON** the remainder and not **OF** it. By “ordinary retailers” is meant stores other than chain or departmental which do not obtain any preferred prices or discounts other than cash, as provided herein.

Where a manufacturer shows the tax as a separate item on his invoices, and allows a cash discount, the tax may be credited on the amount of cash discount actually allowed to and taken by the customer.

Where sales are made at discounts less than 10 per cent from the regular selling prices to ordinary retailers, the tax may be paid on the regular prices to the ordinary retailers less 10 per cent.

**SALES TO USERS**

Manufacturers who operate retail stores or retail departments selling direct to individual users, may account for sales tax on the transfer of these goods to such departments or stores on the regular list price to the user, less a discount of 30 per cent, the tax to apply **ON** the remainder and not **OF** it.

**GENERAL**

Where a manufacturer sells both to retailers and users, the tax applies as set forth above according to whom the sales were made.

**Excise Tax Act—continued**

For purposes of this regulation, wearing apparel includes clothing for men, women and children, as follows:—

Coats, raincoats, suits, dresses, underwear, hosiery, stockings, socks, belts, scarves, sweaters, gloves, hats and caps, neckwear and sportswear of all kinds, shirts, suspenders, pyjamas, bathrobes, spats, garters, handkerchiefs, ties and collars, overalls, work clothing, foundation garments, lingerie, evening wraps, blouses, waists, skirts, etc.

The discounts and provisions hereby established supersede those which formerly applied to all classes of wearing apparel, irrespective of what the discounts may have been, and are in lieu thereof.

Attention is again directed to the provisions of section 119 of The Special War Revenue Act, which reads as follows:—

“Everyone liable under this Act to pay to His Majesty any of the taxes hereby imposed, or to collect the same on His Majesty’s behalf, who collects under colour of this Act, any sum of money in excess of such sum as he is hereby required to pay to His Majesty, shall pay to His Majesty all moneys so collected, and shall in addition be liable to a penalty not exceeding five hundred dollars.”

D. SIM,

*Commissioner of Excise.*

**13. Matches**

780-C Revised.

October 27, 1941.

The Minister of National Revenue has been pleased to establish the following regulations under authority of section 99 of The Special War Revenue Act:—

Where a match manufacturer desires to pay the tax by means of a stamp other than an adhesive stamp, he shall submit for approval to the Commissioner of Excise, a specimen of his container, in quadruplicate, with the proposed Excise Tax Stamp thereon.

The Collector of Customs and Excise will detail an officer to exercise supervision over the daily production of the match factories in his Port, as well as shipments made from such factories; thus, by balancing the official account kept for that purpose, the stock on hand may be checked when necessary.

Each manufacturer of matches using other than an adhesive stamp, shall furnish the Collector of Customs and Excise with the bond of an approved guarantee company or other security approved by the Department in the sum represented by the Excise Tax plus twenty-five per cent (25%), computed on the estimated maximum production for any month in the fiscal year which the bond is intended to cover.

Where Dominion of Canada Bonds are furnished, such bonds must be “fully registered” and accompanied by Form F.L. 8, transferring the bonds in favour of the Receiver General of Canada.

Bonds shall be conditioned for the payment of the Excise Tax accrued on the matches produced, the payment of penalties incurred, and generally shall bind the manufacturer to a complete and faithful observance of all regulations which are or may be established under authority of the Act.

On the first day of each month, the manufacturer of matches shall make a monthly return showing the quantity of matches produced and shipped during the preceding month and the balance on hand at the end



**Excise Tax Act—continued**

of the month. These returns shall be attested. On or before the last day of each month, the manufacturer shall submit an Excise Tax Return covering the tax payable on matches sold during the preceding month.

Matches may be shipped in bond for use as ships' stores or for export, under the regulations governing ships' stores and exportation in bond.

Packages of matches shall not contain more than six hundred (600) matches each.

The Sales Tax will apply on the sale price which includes Excise Tax.

When matches are imported, adhesive stamps of proper denomination shall be affixed to the packages while they are in the custody of Canadian Customs officers.

D. SIM,  
*Commissioner of Excise.*

**14. Florists**

825-C Revised.  
17th March, 1942.

The Minister of National Revenue has been pleased to establish the following regulation by virtue of sections 95 and 99 of The Special War Revenue Act, and the following supersedes and cancels all preceding regulations in this regard:

Producers of flowers, bulbs, plants, including acorus, cacti, ivy, sedums, tradescantia, vincas, ferns, palms, etc., whose annual sales of these commodities exceed Five Hundred Dollars (\$500.00) per annum and who sell to consumers or users only, will be required to account for the sales tax on the regular selling price to consumers or users, less a discount of fifty per cent (50%). The sales tax is to apply ON and not OF the remainder.

The sales tax applies on sales to retailers on actual selling prices, except that, where sales to retailers are at tax-included prices, the tax may be computed accordingly.

Producers of the goods mentioned above will be required to obtain annual sales tax licences, the fee for which is Two Dollars (\$2.00) per annum, renewable on or before April 1 in each year.

D. SIM,  
*Commissioner of Excise.*

**15. Preparations to Replace Stockings**

866-C.  
21st September, 1942.

The Department has decided that with effect from October 1, 1942, preparations sold to replace stockings, whether in liquid, paste, powder, stick or other form, will be held to be subject to the excise tax of 25 per cent, payable by the manufacturer on his sale price if produced in Canada, or on the Customs duty paid value if imported.

V. C. NAUMAN,  
*Assistant Commissioner of Excise.*

**Excise Tax Act—continued**

**16. Lighter Flints**

868-C.

24th September, 1942.

The Acting Minister of National Revenue has been pleased to establish the following regulation under the authority of sections 99 and 114 of The Special War Revenue Act and section 41 of the Customs Act, and this is effective on and from July 14, 1942.

Lighter flints imported or manufactured in Canada are to be valued for excise tax purposes at twelve dollars (\$12.00) per pound and this tax will be collected on all sales by Canadian manufacturers and on all importations of these goods.

V. C. NAUMAN,

*Assistant Commissioner of Excise.*

**17. Excise Tax Stamp Metering Machines**

723-C. Third Revision

May 1, 1948.

The following regulations have been established under authority of section 99 of The Excise Tax Act for the use of excise stamp meters in accordance with provisions of sections 44 and 45 of the said Act.

*Regulations*

**1. METER TO BE OF APPROVED TYPE**

All meters used shall be of such type and design as meets the approval of the Deputy Minister. Postage meters may not be used for excise tax stamp purposes.

**2. IMPRESSION DIE**

The impression die shall be of such design and type as meets the approval of the department and the die shall have engraved thereon the number of the meter to which it is attached.

**3. AUTHORIZATION**

Application to operate a meter shall be made direct to the department on the approved form. The department reserves the right to refuse or to cancel an authorization. A number for identification record purposes will be assigned to each authorization. A user is required to make application to the department if a change of model or type of meter is desired. Authorization must be given before installation is proceeded with. Authorized users shall notify the department immediately in case of a change of name or address.

**4. INSTALLATION**

Newly authorized meters will be delivered by the supplier direct to the local Collector of Customs and Excise prior to installation on the premises of an authorized user for the initial setting. The ascending and descending recording registers are to be set at "zero" on presentation for setting.

**5. CERTIFICATE OF MECHANICAL EFFICIENCY**

"Certificate of Mechanical Efficiency" is to be furnished, *in duplicate*, on the approved form, to the collector for each meter to be admitted to

**Excise Tax Act—continued**

service. The collector will forward one copy to the department (envelope S-1) and retain one copy on file as permanent record.

**6. REMITTANCE AS PREPAYMENT OF SETTINGS**

A certified cheque payable to the Receiver General of Canada, or cash, is considered legal tender for required impressions. The unit or last figure on the descending register of a meter shall not be reset or changed. It is necessary, therefore, that remittance be divisible by 10 if for one-cent units and by 30 if for three-cent units. No discount is allowed on purchase of impressions.

**7. REQUISITIONS FOR IMPRESSIONS**

Excise tax meters presented to a port office for setting will necessitate the preparation of a requisition, *in triplicate*, on Form E.174 Revised. The information in the upper left portion of the requisition may be filled in by the users of the meter but should be verified by port officers. The entries on the other portions of the form are to be made by the Customs-Excise officers whose duty it shall be to ensure that all writing on the form is legible. The *original* and *duplicate* copies are to be handed to the user on completion. The user is to mail the *original* to the department. He may be handed an envelope (S-1) for this purpose. The *duplicate* is to be retained by the user for his files. The *triplicate* is to be retained for port reference.

**8. SETTING METERS**

Excise meters are to be presented to the local collector for the initial setting and all subsequent resets. The procedure will be as follows:—

- (a) Obtain a reading of the ascending and descending registers and verify their combined total with record card, Form E.175, column 8.
- (b) Enter readings, if found correct, on record card, Form E.175, columns 2 and 3.
- (c) Examine seal and ascertain if it is the one authorized for use. If there is evidence of tampering, refer to section 11.
- (d) Complete requisition, Form E.174 Revised, in right-hand portion.
- (e) The record card, Form E.175, is to be completed and proven.
- (f) Set the number of impressions purchased on the descending register of the meter, ensuring that the counter wheels are in exact alignment. Inaccurate alignment will cause the dials to register incorrectly.
- (g) Close the cover on descending register and seal with lead seal provided and compress with pliers provided on which is incorporated on one jaw the relative Port Code Number and on the other the letters "(N.R.)". These markings should be distinctly transferred to the seal for identification purposes.
- (h) The setting and transaction is to be carefully checked and verified by a second officer.
- (i) Both officers attending are to initial the requisition, Form E.174 Revised, and record card, Form E.175.

**9. ACCOUNTING**

- (1) A record meter card, Form E.175, is to be established and maintained for each authorized meter.
- (2) (a) If records, such as Form E.175, Certificate of Mechanical Efficiency, etc., are filed by sequence of meter number, an alphabetical list of users should be maintained showing the serial number of the meter in use.



**Excise Tax Act—continued**

- (b) If these records are filed alphabetically by name of user, a register should be maintained by consecutive meter number indicating the name of the authorized user.
- (3) Form B.93, Excise Tax Entry, is to be prepared *in quadruplicate*, setting forth,
  - (a) name and address of the authorized user,
  - (b) relevant meter number,
  - (c) number of impressions bought,
  - (d) denominational value,
  - (e) amount collected, and
 the four copies are to be dealt with as follows:—
  - (i) original is to be submitted to the department with returns in the regular manner;
  - (ii) *duplicate* is to be handed to the user of the meter;
  - (iii) *triplicate* is to be mailed to the department in envelope “S-1”, for Customs-Excise Stamp Branch;
  - (iv) *quadruplicate* is to be retained on the port files.

**10. CUSTODY OF KEY AND SEALS**

The key and seals furnished by the manufacturers as equipment, when not in use, are to be kept under lock in the care of the collector or a senior officer designated by him. The key, on being no longer required due to withdrawal of all meters under the survey of a collector, is to be returned by registered mail to the meter manufacturer, who in turn will supply a receipt.

**11. FAULTY OR DEFECTIVE METERS**

The user of an excise tax meter is to report immediately to the local collector any mechanical defect in the denominational printing die or registers of a meter. Such defects are to be dealt with as follows:—

- (1) *Meters having a defect not affecting the recording mechanism but which are withdrawn from service for repair or adjustment:*
  - (a) Are to be examined by the officers to whom presented for the purpose of ensuring that the seal has not been broken or tampered with. A satisfactory explanation must be furnished by the user if a seal is broken or missing.
  - (b) Readings on registers are to be verified and compared with Record Card, Form E.175.
  - (c) The figures representing the readings on the registers at time of withdrawal are to be set forth, on Form E.174 Revised, *in triplicate*. The copies will be disposed of as follows:
    - (i) *Original* is to be mailed to the department in envelope “S-1”.
    - (ii) *Duplicate* is to be handed or mailed to the user, and
    - (iii) *Triplicate* is to be retained on the port files.
  - (d) The meter may then be cleared in the descending register, sealed and released to the manufacturer.
  - (e) The meter so withdrawn may be replaced either temporarily or permanently by one of the same type or model.
  - (f) The unused impressions remaining on the original meter may be set upon the replacement meter,—the department being notified by appropriate notations on the Form E.174 Revised.
- (2) *Meters withdrawn due to a defect that affects the recording mechanism:*

**Excise Tax Act—continued**

- (a) Are to be made the subject of an immediate report to the department.
- (b) The meter is to be held by the collector and not placed in service or delivered to the meter manufacturer until the department directs as to its disposition.
- (c) Full information should be supplied at the time the report is furnished as to readings on the ascending and descending registers.
- (d) The authorized user may be held responsible for the greater amount recorded on the registers in case of discrepancy.
- (e) Unused impressions showing on the descending register are not to be transferred to the replacement, but when the value used has been established, adjustment by refund may be authorized by the department.
- (f) The settings placed on the replacement meter are to be paid for and treated as a regular purchase.

**12. TRANSFER OF CREDITS AND ADJUSTMENTS**

The transfer of a credit for impressions remaining unused on withdrawal of a meter is only tentative and is subject to revision if found in error.

**13. DISCONTINUANCE OF USE OF METERS**

Meters must be presented to the local collector when they are no longer required and therefore permanently withdrawn. In such cases,

- (a) the port officers will record the readings of the ascending and descending registers and verify with record card, Form E.175.
- (b) Form E.174 Revised will be completed in the respective portions, viz., ascending and descending registers (before setting). Notation will be placed on this form stating "Permanent withdrawal, refund in order,"—the *original* to be mailed by the port officers to the department, the *duplicate* to be handed or mailed to the user and the *triplicate* retained for port files.
- (c) A refund may be allowed by the department to reimburse the user for the value of the unused impressions, in accordance with paragraph 3 of section 14.
- (d) The meter should be cleared in the descending register by setting back to "zero" or to the lock-out point which is in some cases the first impressions under 100. The unit wheel of the register cannot then be manipulated.
- (e) The meter is then to be sealed and delivered to the manufacturer.
- (f) A meter, after being checked out of service, shall not, under any circumstance, be returned for use on the premises of the former user, without departmental authorization.

**14. REFUNDS**

(1) Refund of the amount represented by the impressions on cheques not negotiated, less five per cent, may be obtained provided the aggregate value is not less than five dollars, and the following requirements are complied with:—

- (a) The cheques (not portions thereof) with impressions thereon are to be forwarded, transportation charges prepaid, to the Department of National Revenue, Customs and Excise Divisions, Ottawa.
- (b) Application is to be made, under separate cover, stating the total number of impressions of each denomination upon which refund is claimed,

**Excise Tax Act—continued**

(2) The cheques will be destroyed at the department upon authorization of refund, or upon request they will be perforated and returned to the owner for audit or filing purposes.

(3) A user, on permanent surrender of a meter, may be reimbursed for the value of unused impressions as indicated on the descending register. The collector, in such instances, shall,

- (a) complete the lower portion of Form E.174;
- (b) submit the *original* to the department, endorsed "Permanent withdrawal, refund in order";
- (c) hand or mail the *duplicate* to the user as his receipt, and
- (d) retain the *triplicate* for the port files.

**15. INSPECTION**

Inspectors and their assistants are to be permitted access to excise meters at all times whether on the premises of the users or at the office of the collector.

**16. SUPPLIES**

- (1) *To be furnished by the meter manufacturer:*
  - (a) Master key for opening and closing meters.
  - (b) Stylus for setting the descending register.
  - (c) Lead seals with wire attached.
  - (d) Pincers for cutting wire on seals.
  - (e) Pliers for compressing the seal, impressing on one side a designated number and on the reverse side the letters "(N.R.)".
- (2) *To be supplied by department on requisition:*
  - (a) Forms B.93.
  - (b) Forms E.174 Revised (to be ordered on Form E.104, stating "Requisition form for Excise Tax Stamp Impressions").
  - (c) Record Cards, Form E.175.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**18. Fur Articles**

888-C  
1st Revision  
19th June, 1947.

The Minister of National Revenue has been pleased to establish the following regulations under authority of subsection 3 of section 95 and section 99 of The Special War Revenue Act:

*Regulations*

Manufacturers who produce articles of fur will be required to obtain sales tax licences and pay the consumption or sales tax on their sales of these goods and the exemption heretofore allowed under subsection 2 of section 95 of The Special War Revenue Act is accordingly withdrawn.

Manufacturers of fur articles who sell their products to wholesalers, jobbers, departmental or chain stores are required to account for the sales tax at the current rate on the actual selling prices. This regulation will



**Excise Tax Act—continued**

also apply to the sales of any clear-outs, discontinued lines, or any sales where the selling price is lower than the regular selling price to ordinary retailers less 10%.

Manufacturers of fur articles who sell their products directly to the user are permitted to pay the sales tax on the selling price to the user less 37%, the sales tax at the current rate to apply ON the remainder.

Manufacturers of fur articles who sell their products to ordinary retailers may account for the sales tax on the selling price to such ordinary retailers less 10% and the sales tax at the current rate is to apply ON the remainder;

Manufacturers of fur articles who sell both to retailers and users are required to account for the sales tax at the current rate on their sales to users on the regular price of the article to the ordinary retailers, less 10%.

Effective on and after October 13th, 1945, dressers and dyers of fur are required to be licensed for sales tax purposes and to account for the sales tax on their sales to non-licensees on the same value as the excise tax, viz: the current market value of the furs, to which shall be added all costs and in addition the charges for dressing and dyeing.

Remodelling or repairing of fur articles will be held to be manufacturing or producing if the charge therefor exceeds \$25.00 on any one article and the sales tax is to be calculated on the same basis as if a new article had been produced. On repairs where the charge for each article does not exceed \$25.00, no sales tax is applicable.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**19. Cigarettes and Manufactured Tobacco**

895-C.

7th July, 1947.

The Minister of National Revenue, under authority of section 99 of the Special War Revenue Act, has been pleased to prescribe the following regulations:

On and from August 1, 1947, manufacturers or producers of cigarettes and manufactured tobacco will account for the excise tax on their SALES of their manufactured products. The tax will be payable not later than the last day of the month succeeding that in which the sales were made. The first tax payment on this basis will be due on or before September 30, 1947, in respect of sales for the month of August.

Each manufacturer or producer of cigarettes and manufactured tobacco should accordingly prepare accurate inventories of the excise duty-paid cigarettes and tobacco in factory and warehouse and in transit from factory to warehouse at the close of business on July 31, 1947, and should file with the local Collector of Customs and Excise a Deduction Claim on Form N. 17 for the amount of excise tax payable on the cigarettes and tobacco on hand as evidenced by such inventories. After audit and certification, the approved amount of the Deduction Claim will be entered in the Collector's Register to the credit of the manufacturer or producer, to be applied in six equal monthly portions as part payment of the excise tax payable in respect of the sales of the manufacturer or producer for the

**Excise Tax Act—continued**

months of August, 1947, to January, 1948, inclusive. The first instalment of this credit will thus be used as part payment of the tax due on September 30th in respect of sales for August.

The excise tax for the months of June and July, 1947, will be required to be paid on the same basis as heretofore, on or before the last day of July and August, 1947, respectively, in accordance with the provisions of the said Circular, dated April 7, 1943. These payments will not be affected by the tax credit above referred to.

The existing requirements concerning bonds and the necessity for these manufacturers to operate under excise tax licence remain as outlined in the Circular of April 7, 1943.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**20. Drugs, Pharmaceutical Preparations, Proprietary  
and Patent Medicines, etc.**

782-C, Second Revision.

April 1, 1948.

The Minister of National Revenue has been pleased to establish the following Regulations, under authority of section 99 of The Excise Tax Act:—

- (a) Where manufacturers of the above mentioned products sell them to independent wholesalers in representative quantities in the regular and ordinary course of their business, this will determine the value at which they may transfer these goods from their factories to their unlicensed wholesale branches, and the sales tax will apply on the value thus determined.
- (b) Where manufacturers do not sell to independent wholesalers or where sales are not made in sufficient quantities to wholesalers to be representative sales, licensed manufacturers may transfer their products to their unlicensed wholesale branches at the regular list selling prices to ordinary retailers who do not obtain any preferred prices or special discount of any kind, less 20 per cent, the sales tax at the current rate to apply on the remainder.

NOTE.—Allowances for prepaid transportation charges and/or cash discounts or any other allowances may not be deducted in addition to the 20 per cent discount.

- (c) Where manufacturers sell their products to the consumer or user through independent agents, the sales tax is payable ON or OF the selling prices to such agents, dependent on whether such price is tax extra or tax included.

NOTE.—If field supervisors, sales managers, etc., are paid commissions based on the sales made by the individual canvassers, such commissions or allowances are not deductible.

- (d) Manufacturers who sell their products direct to the consumer through their own retail stores, by mail or by personal canvass, and who have not established values for tax purposes by volume

**Excise Tax Act—continued**

of sales in paragraphs (a) and (b) above, may account for sales tax on the regular list prices to the consumer or user, less a discount of 50 per cent, the tax at the current rate to apply on the remainder.

D. SIM,  
*Deputy Minister of National Revenue  
for Customs and Excise.*

**21. Green Coffee and Green Peanuts**

899-C.

1st April, 1948.

The Minister of National Revenue has been pleased to establish the following regulation, under authority of sections 99 and 114 of The Excise Tax Act and section 41 of The Customs Act:

All importations of green coffee and green peanuts in the shell are to be subjected to sales tax at time of importation. Licensed wholesalers may not import these commodities tax free.

Green peanuts imported in the shell are to be valued for the purposes of sales tax computation on the Customs duty paid value plus four cents (4c) per pound, until further notice. The addition of four cents (4c) per pound is to include the landed costs, roasting charges, shrinkage and profit.

D. SIM,  
*Deputy Minister of National Revenue  
for Customs and Excise.*

**22. Manufacturers of Monuments and Memorials**

817-C, Second Revision.

April 1, 1948.

The Minister of National Revenue has been pleased to establish the following regulations, under authority of section 99 of The Excise Tax Act:—

Effective January 2, 1940, the exemption from sales tax hitherto permitted under section 95, subsection 2, of The Excise Tax Act, for manufacturers of monuments and memorials, is cancelled and the following substituted therefor:—

“Manufacturers of monuments and memorials” shall include, for purposes of this regulation, any person, firm or corporation, who by any process of cutting, polishing, finishing or inscribing on stone, granite, marble or other similar substance, manufactures or produces a monument or memorial.

All manufacturers of monuments and memorials shall be licensed under the provisions of The Excise Tax Act, and shall account for sales tax on their sales of monuments and memorials as from January 2, 1940.

Manufacturers of monuments and memorials who erect the same, shall account for the sales tax on the basis of their total sale price, from which may be deducted the amount paid by the manufacturer to the person constructing the foundation (provided same is substantiated by properly receipted vouchers) with a further deduction of 35 per cent from the remainder, the sales tax to be calculated at 8 per cent on the resultant



**Excise Tax Act—continued**

amount. The sale price shall include all charges for transportation to the site of erection, erection, engraving, carving or lettering, and all other incidental charges applicable to the sale of the monument or memorial.

Monument dealers who ONLY letter and/or erect monuments or memorials, need not be licensed nor account for sales tax on their sales.

D. SIM,  
*Deputy Minister of National Revenue  
for Customs and Excise.*

**23. Sales Tax to Tinsmiths—Small Manufacturers**

897-C

18th February, 1948.

The Minister of National Revenue has been pleased to establish the following regulation, under authority of section 95 and section 99 of the Excise Tax Act:

Tinsmiths selling their product exclusively by retail shall be exempt from payment of consumption or sales tax on their sales, and persons so exempted shall not be given a consumption or sales tax licence.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**24. Credits or refunds on goods delivered prior to May 18, 1948**

901-C

18th May, 1948.

The Minister of National Revenue has been pleased to establish the following regulation, under authority of section 99 of the Excise Tax Act:

Licensed manufacturers and licensed wholesalers will not be allowed credit or refund of excise taxes paid or payable on goods delivered to their customers, or to common carriers, prior to May 18, 1948, unless it can be proved to the Department's satisfaction that the goods were defective or damaged in transit.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**25. Washing Machines**

No. 850-C (Revised).

September 1, 1948.

The Minister of National Revenue, has been pleased to establish the following regulations, under authority of section 99 of the Excise Tax Act:

Sales tax is to be accounted for on the transfer of washing machines by manufacturers thereof to their unlicensed wholesale branches on the following basis:

- (a) On all washing machines which are not advertised, labelled and sold as the product of the actual manufacturer, irrespective of whether such machines are stencilled with the name of the

**Excise Tax Act—continued**

purchaser, the sales tax applies on the actual selling prices, except that, where the sales are at sales tax included prices, the tax may be computed accordingly. Deductions from such selling prices may be allowed in respect of prepaid transportation charges paid to independent carrier companies and shown separately on invoices and/or cash discount or other allowances actually granted from selling prices.

- (b) On all sales of standard models for which regular list prices to users are maintained and which are sold and labelled as the product of the manufacturer, the sales tax will apply on the basis of the regular cash list selling price to the user (which must include the sales tax), less a discount of 50 per cent, the sales tax to be calculated as included in the remainder.

Allowances for prepaid transportation charges and/or cash discount, or any other allowances, may not be deducted in addition to the discount of 50 per cent.

Where a manufacturer avails himself of the basis for tax calculation purposes outlined above, the tax must be accounted for on transfer of his manufactured washing machines from his producing factory, whether on sale, consignment, or for stock in his own branches, and shall be paid not later than the last day of the month next succeeding that during which the transfer was made.

D. SIM,

*Deputy Minister of National Revenue,  
Customs and Excise.*

**26. Regulations re clock or watch movements and articles of jewellery**

906-C

19th April, 1949.

The Minister of National Revenue has been pleased to establish the following regulations, under authority of section 99, sub-section 1, of The Excise Tax Act:

On and after May 2, 1949, any person who assembles clock or watch movements into cases therefor, and who adds any attachment, of metal, leather, plastic or any material or combination thereof to a new watch, will be regarded as the manufacturer or producer of the clock or watch, as the case may be.

Any person who completes an article of jewellery by adding diamonds or other precious, semi-precious, imitation or other stones, insignia, crests, etc., to the article, will be regarded as a manufacturer of jewellery.

Persons who become manufacturers or producers of the articles mentioned above will be required, as from the date mentioned, to account for the sales and excise taxes on these goods on the regular list selling price to ordinary retailers who do not obtain cash, quantity, or other special discounts, less a discount of 20 per cent, the respective taxes to apply on the remainder. Where sales are not made to retailers in the regular and ordinary course of business, but to users or consumers only, the taxes may be accounted for on the selling price to the consumer or user less a discount of 50 per cent, the respective taxes to apply on the remainder.

**Excise Tax Act—continued**

Where watches or articles of jewellery are placed in display or other cases by the manufacturer, the sales and excise taxes apply on the total selling price of the article including the case, whether the case be invoiced separately or not.

The excise tax of 10 per cent does not apply to railway standard watches which conform to the specifications laid down by the Canadian Pacific and Canadian National Railways.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**27. Ladies' Handbags**

907-C

May 5, 1949.

The Minister of National Revenue has been pleased to establish the following regulations, under authority of section 99 of The Excise Tax Act:

Effective May 2, 1949, sales and excise taxes are to be accounted for on the transfer of ladies' handbags made of leather, imitation leather, plastic, fabrics, or other materials by manufacturers to their unlicensed wholesale branches, on the following basis:

SALES TO WHOLESALERS OR JOBBERS:

SALES TO DEPARTMENTAL STORES OR CHAIN STORES:

SALES TO OTHERS AT 10 PER CENT OR GREATER DISCOUNTS FROM THE PRICES TO ORDINARY RETAILERS:

SALES OF GOODS MADE TO SPECIAL ORDER, CLEAR-OUTS AND JOB LOTS

On all sales mentioned above the sales and excise taxes apply on the actual selling prices, except that, where the sales are at tax included prices, the taxes may be computed accordingly.

Deductions from such selling prices may be allowed in respect of prepaid transportation charges paid to independent carrier companies and shown separately on invoices and/or cash discounts or other allowances actually given by the manufacturer on sales to purchasers referred to above.

NOTE:—Where sales are made in representative quantities to wholesalers, this is not to fix the value for tax on other sales.

SALES TO ORDINARY RETAILERS:

Manufacturers of ladies' handbags may account for the sales and excise taxes on these sales calculated on the basis of the regular list selling prices to ordinary retailers, less a discount of 10%, the sales and excise taxes at the current rates to apply on the remainder. By "ordinary retailers" is meant stores which do not obtain any preferred prices or discounts of any kind from established list prices.

Allowances for prepaid transportation charges and/or cash discounts or any other allowances may not be deducted in addition to the discount of 10%.

Where sales are made at discounts less than 10% from the regular list prices to ordinary retailers, the sales and excise taxes may be paid calculated on the basis of the regular list price to the ordinary retailers less 10%.



**Excise Tax Act—continued****GENERAL:**

In all cases where sales tax and/or excise tax is charged as a separate item on invoices to customers, irrespective of their status, the amount so charged must be paid to the Department without deduction.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**28. Jewellery**

908-C

July 13, 1949.

The Minister of National Revenue has been pleased to establish the following regulations, under *authority of section 95, subsection 2, section 99, subsection 1 and section 103, subsection 3, of the Excise Tax Act*:—

Effective on and after March 23, 1949, the sales tax of 8 per cent and the excise tax of 10 per cent are held to apply on “articles commonly or commercially known as jewellery, whether real or imitation, including diamonds and other precious or semi-precious stones for personal use or for adornment of the person; goldsmiths’ and silversmiths’ products except plated table knives, forks and spoons; pewter ware”, payable by the manufacturer or producer in Canada or on importation, computed on the selling price by the manufacturer or on the Customs duty paid value, as applicable, but the excise tax of 10 per cent does not apply where the selling price exclusive of sales tax, or Customs duty paid value of the article is fifty cents (50c.) or less or Six Dollars (\$6.00) or less per dozen.

Manufacturing of jewellery is held to include the completion of the article by the incorporation therein of diamonds or other precious, semi-precious, imitation or other stones, etc., and persons or firms who perform such operations are required to operate under manufacturers’ sales and excise tax licences and to account for the sales tax of 8 per cent and the excise tax of 10 per cent on their taxable sales, provided their total annual sales of these goods are in excess of Three Thousand Dollars (\$3,000.00).

Finished goods such as rings (not including ring mounts or loose stones), cuff links, lockets, crests, insignia, etc., will be subject to the sales tax and the excise tax of 10 per cent where applicable, on sale by the manufacturer thereof to retail jewellers and no further taxes will apply at the time of their sale of these articles, even though crests or insignia may be attached by them to the articles in question.

***Engraving***

The sales and excise taxes apply on the total selling price of an article by the manufacturer thereof, including any engraving, notwithstanding that the charge for engraving may be shown as a separate item on the invoice.

If an article is sold and delivered without engraving and is subsequently engraved, the sales and excise taxes are not applicable to the charge for engraving.

**Excise Tax Act—continued**

Where the engraving operation includes the supplying of material by the engraver, the total charge is subject to the sales tax, and the excise tax where applicable, unless the work is performed for a licensed manufacturer under his licence numbers and appropriate certificates, and an engraver whose annual charges for work of this nature exceed Three Thousand Dollars (\$3,000.00) is required to be licensed.

Where the engraver does not supply materials, the work consisting of labour only, the engraver is not liable to sales or excise taxes.

*Repairs*

Where diamonds or other precious or semi-precious stones are supplied in repairs, the sales and excise taxes are applicable on the domestic cost or Customs duty paid value of the stones.

The charges for repairs other than above, are not subject to the excise tax of 10 per cent, the sales tax being applicable however, on the domestic cost or duty paid value of the materials used in effecting the repairs.

Where used jewellery is re-made, re-modelled, re-designed or re-mounted, the sales and excise taxes apply on the total charge made.

*Basis for Computation of Sales Tax, and Excise Tax Where Applicable:*

- (a) The following sales or charges are subject to sales tax, and excise tax where applicable, on the actual selling price or charge made as the case may be:
  - (1) Sales at discounts of 20 per cent or more from the regular list selling price to ordinary retailers.
  - (2) Sales of goods made to the special order of the customer, and charges for jewellery re-made, re-modelled, re-designed or re-mounted.
  - (3) Charges for engraving, where material is supplied.
- (b) Manufacturers may transfer their standard stock lines to their unlicensed wholesale branches at the regular list selling price to ordinary retailers who do not obtain cash, quantity or other special discounts, less a discount of 20 per cent, the taxes at the current rates to apply on the remainder.
- (c) Where sales are made at discounts of less than 20 per cent from the list price mentioned in paragraph (b), the taxes may be calculated on the basis authorized in paragraph (b) above.
- (d) Where manufacturers sell direct to users only, the taxes on standard stock lines may be accounted for on the selling price to the user, less a discount of 50 per cent, the taxes at the current rates to apply on the remainder.

NOTE: Sales to wholesalers are not to establish the values for taxes on other sales.

In so far as the provisions of this Circular conflict with those of Circular 906-C, the provisions of the latter are superseded and cancelled.

V. C. NAUMAN,  
*Assistant Deputy Minister of National  
Revenue (Excise).*

**Excise Tax Act—continued****29. Furniture, including Rebuilt or Re-Upholstered Furniture**

909-C.

September 15, 1949.

The Minister of National Revenue has been pleased to establish the following regulations, under authority of section 99 of The Excise Tax Act:—

*Regulations*

For purposes of these regulations “furniture” includes:—

Living room, dining room, bed room, kitchen, children’s, nursery, verandah, lawn, and upholstered furniture, but is not to include folding chairs, sectional book cases, theatre, office, school, church or lodge furniture.

Effective October 1, 1949, sales tax is to be accounted for on the transfer of furniture by manufacturers to their unlicensed wholesale branches on the following basis:—

SALES TO WHOLESALERS OR JOBBERS

SALES TO DEPARTMENTAL STORES OR CHAIN STORES

SALES TO OTHERS AT 15 PER CENT OR GREATER DISCOUNTS FROM THE PRICES TO ORDINARY RETAILERS

SALES OF CLEAR-OUTS, JOB LOTS AND GOODS SPECIALLY MADE OR ALTERED TO A CUSTOMER’S ORDER

SALES OF THEATRE, OFFICE, SCHOOL, CHURCH AND LODGE FURNITURE, FOLDING CHAIRS AND SECTIONAL BOOK CASES

On all sales mentioned above, the sales tax applies on the actual selling prices, except that where the sales are at tax included prices, the tax may be computed accordingly.

Deductions from the selling prices to purchasers mentioned above may be allowed in respect of prepaid transportation charges paid to independent carrier companies and shown separately on invoices. Cash discounts or other allowances actually given by the manufacturer on sales to purchases referred to above are deductible also.

Where manufacturers have contracts for the manufacture and installation of theatre, office, school, church or lodge furniture, the sales tax will apply on the contract price, less actual costs of installation and the freight to the job where this is paid to independent carrier companies. The provisions of section 14 under “Contracts” in the general Regulations apply to these contracts.

“Chain stores”, for the purposes of this regulation, means any organization of three or more stores, under the same ownership, general management, supervision, or control, whether the individual branches purchase separately or not, and whether or not the goods purchased are paid for by each store or by the central authority.

NOTE.—Where sales are made in representative quantities to wholesalers, this is not to fix the value for tax on other sales.



## **Excise Tax Act—continued**

### **SALES TO ORDINARY RETAILERS**

Manufacturers of furniture may account for the sales tax on these sales, calculated on the sale price, less a discount of 15 per cent, the tax at the current rate to apply on the remainder. By "ordinary retailers" is meant stores which purchase at initial list prices and do not obtain preferred prices or discounts of any kind, other than cash.

Allowances for prepaid transportation charges and/or cash discounts or any other allowances may not be deducted in addition to the discount of 15 per cent.

Where sales are made at discounts less than 15 per cent from the regular selling prices to ordinary retailers, the tax may be accounted for calculated on the regular price to ordinary retailers, less a discount of 15 per cent, the tax at the current rate to apply on the remainder.

### **SALES TO USERS**

Manufacturers of furniture may account for the sales tax on their sales direct to users, calculated on the sale price, less a discount of 20 per cent, the tax at the current rate to apply on the remainder.

Where sales are made to both retailers and users, the sales tax is to be calculated on sales to each as set forth above.

### **REBUILT OR RE-UPHOLSTERED FURNITURE**

"Rebuilding" and "re-upholstering", for the purposes of this regulation, are synonymous and include any one or more of the following operations:—

Stripping down to the frame; tightening or replacement of the webbing; re-setting or replacement of the springs; replacement or renewal of the lining or the filler with or without a new covering.

Persons or firms who perform such operations solely, or in conjunction with the manufacture of furniture and whose total charges or total sales and charges exceed \$3,000.00 per annum, are required to operate under manufacturers' sales tax licences and to account for the sales tax on their charges for rebuilding or re-upholstering furniture, calculated as outlined hereunder:—

On charges to departmental stores, chain stores and ordinary retailers, as well as on charges to customers other than the user, the sales tax applies on the actual charge, except that where the charge is tax included, the tax may be computed accordingly.

On charges to users the sales tax may be accounted for, calculated on the charge, less a discount of 20 per cent, the tax at the current rate to apply on the remainder.

### **RECOVERING**

For purposes of this regulation, "recovering" is defined to mean solely the removal of the covering material and the replacement of it with new material. This operation is taxable only in respect of the materials used.

### **REPAIRS**

"Repairs", for the purposes of this regulation, include replacement of a broken or damaged arm, leg, panel or other minor part of any article of furniture; gluing, recaning, retouching of scars. Repairs are taxable only in respect of any taxable materials or parts used.

**Excise Tax Act—continued**

## GENERAL

In all cases where sales tax is charged as a separate item on invoices to customers, irrespective of their status, the amount so charged must be paid to the Department without deduction.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**30. Trunks, Suitcases, Travelling Bags and Luggage  
of all kinds**

831-C Revised  
December 20, 1949.

The Minister of National Revenue has been pleased to establish the following regulations under authority of section 99 of the Excise Tax Act:—

*Regulations*

Sales and excise taxes are to be accounted for on trunks, suitcases, travelling bags and luggage of all kinds on the following basis:—

## SALES TO WHOLESALERS AND JOBBERS

## SALES TO CHAIN OR DEPARTMENTAL STORES

SALES TO OTHERS WHO RECEIVE 20 PER CENT OR GREATER DISCOUNTS FROM  
THE PRICES TO ORDINARY RETAILERS

The sales and excise taxes apply on the above sales on the actual selling prices, except that, where sales to the above customers are at taxes included prices, the taxes may be computed accordingly.

Deductions from the selling prices to purchasers mentioned above may be allowed in respect of prepaid transportation charges paid to independent carrier companies. Cash discounts or other allowances actually given by the manufacturer on sales to purchasers referred to above are deductible also.

“Chain stores”, for the purposes of this regulation, means any organization of three or more stores, under the same ownership, generally management, supervision, or control, whether the individual branches purchase separately or not, and whether or not the goods purchased are paid for by each store or by the central authority.

NOTE.—Where sales are made in representative quantities to wholesalers, this is not to fix the value for taxes on other sales.

## SALES TO ORDINARY RETAILERS

Manufacturers of trunks, suitcases, travelling bags and luggage of all kinds may account for the sales and excise taxes on these goods on transfer to their unlicensed wholesale branches calculated on the basis of the regular list selling price to ordinary retailers less a discount of 20 per cent, the

**Excise Tax Act—continued**

sales and excise taxes at the current rates to apply on the remainder. By "ordinary retailers" is meant stores which do not obtain any preferred prices, or other discounts of any kind.

NOTE.—Prepaid transportation charges, cash discounts or any other allowances, may not be deducted in addition to the discount of 20 per cent.

Where sales are made at discounts less than 20 per cent from the regular selling prices to ordinary retailers, the taxes may be paid on the regular prices to the ordinary retailers less 20 per cent.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**31. Toilet Articles, Toilet Preparations, Cosmetics, Toilet Soaps, Perfumes, and Similar Goods**

846-C Revised  
December 19, 1949.

The Minister of National Revenue has been pleased to establish the following regulations under authority of section 99 of the Excise Tax Act:

*Regulations*

Sales and excise taxes are to be accounted for on the transfer of toilet articles, toilet preparations, cosmetics, toilet soaps, perfumes and similar goods on the following basis:

(a) Where manufacturers of the above-mentioned products sell them to independent wholesalers in representative quantities in the regular and ordinary course of their business, this will determine the value at which they may transfer these goods from their factories to their unlicensed wholesale branches.

(b) Where manufacturers do not sell to independent wholesalers or where sales are not made to wholesalers in sufficient quantities to be representative sales, licensed manufacturers may transfer their products to their unlicensed wholesale branches at the regular list selling prices (which must include the sales and excise tax) to ordinary retailers who do not obtain any preferred prices or special discounts of any kind, less 15 per cent, the sales tax and the excise tax to be computed as included in the remainder, i.e. 8/118ths and 10/118ths respectively or, in the case of toilet soaps 8/113ths and 5/113ths respectively.

NOTE: Prepaid transportation charges, cash discounts or any other allowances may not be deducted in addition to the 15 per cent discount referred to paragraph (b).

(c) Where manufacturers sell their products to the consumer or user through independent agents, sales and excise taxes are payable on the selling prices to such agents, and if such price includes the taxes then these may be computed accordingly.

NOTE. If field supervisors, sales managers, etc., are paid commissions based on the sales made by the individual agents, such commissions or allowances are not deductible.

(d) Manufacturers who sell their products directly to the consumer or user through their own retail stores, by mail or by personal canvass, and



**Excise Tax Act—continued**

who have not established values for tax purposes by volume of sales in paragraphs (a) and (b) above, may account for sales and excise taxes computed on the regular list prices to the consumer or user, less a discount of 50 per cent, the sales and excise taxes at the current rates to apply on the remainder.

(e) Where a manufacturer sells or distributes his products principally through a single distributor, he shall account for the taxes on the distributor's price to the trade to which the distributor sells, calculated according to whichever of the above bases is applicable.

NOTE. For purposes of the excise tax, anyone who wraps, packages, or puts into boxes, bottles or jars, or otherwise prepares for sale, any of the articles specified in paragraphs 2 and 3 of Schedule I (toilet preparations, cosmetics, toilet soaps, and similar goods), is held to be the manufacturer or producer of the finished goods and required to pay the tax specified in the Schedule.

D. SIM,

*Deputy Minister of National Revenue,  
Customs and Excise.*

**32. Candy, Confectionery, and Similar Goods**

912-C

December 20, 1949.

The Minister of National Revenue has been pleased to establish the following regulations, under authority of section 99 of The Excise Tax Act:

*Regulations*

For purposes of these regulations "candy" includes:

apples, nuts or popcorn, coated or treated with syrup, sugar, molasses, cocoanut or chocolate.

Effective March 23, 1949, sales tax is to be accounted for by manufacturers of candy on transfer to their unlicensed wholesale branches or retail stores, as the case may be, on the following basis:

(a) On sales to

(i) wholesalers or jobbers or to others at prices equivalent to or less than the prices to wholesalers or jobbers.

(ii) retailers or others who receive a discount of 15 per cent or greater from the regular list selling price to ordinary retailers,

the sales tax applies on the actual selling price; where the price is tax included, sales tax may be computed accordingly.

NOTE: Deductions from the selling prices to purchasers mentioned above may be allowed in respect of prepaid transportation charges paid to independent carrier companies. Cash discounts or other allowances actually given by the manufacturer on sales to purchasers referred to above are deductible also.

(b) Where manufacturers sell all, or certain lines of their manufactured candy to independent wholesalers or jobbers in representative quantities in the regular and ordinary course of their business, this will determine the value at which they may transfer such lines of their candy from their factories to their unlicensed wholesale branches when such goods are for sale to retailers or others for resale.

**Excise Tax Act—continued**

(c) Where manufacturers do not sell to independent wholesalers or jobbers, or where sales are not made to them in sufficient quantities to be representative, but they have established and maintained regular list selling prices to ordinary retailers, they may transfer their products to their unlicensed wholesale branches for sale to retailers or others for resale, at the regular list selling price to ordinary retailers, less a discount of 15 per cent, the tax to be computed at the current rate ON or OF the remainder, dependent on whether such price is tax extra or tax included.

Where sales are made at discounts less than 15 per cent from the regular list selling price to ordinary retailers, the sales tax may be accounted for, calculated on the basis of the regular list selling price to ordinary retailers less 15 per cent.

NOTE: Prepaid transportation charges, cash discounts, or any other allowances, may not be deducted in addition to the aforementioned 15 per cent discount before calculation of the tax.

(d) On all sales of candy by manufacturers directly to consumers, the sales tax is to be paid on the transfer of the candy from the factory to the unlicensed retail store or stores, calculated on the basis of the regular selling price to the consumer, less a discount of 40 per cent, the tax at the current rate to apply on the remainder.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**33. Soft Drinks and Milk Drinks**

911-C  
December 20, 1949.

The Minister of National Revenue has been pleased to establish the following regulations, under authority of section 99 of The Excise Tax Act:

*Regulations*

For purposes of these regulations soft drinks and milk drinks include: carbonated and non-carbonated beverages commonly or commercially known as soft drinks, aerated waters, and milk drinks, usually described as chocolate drinks or chocolate milk drinks.

Effective March 23, 1949, sales tax is to be accounted for on the transfer of soft drinks and milk drinks by manufacturers or bottlers to their unlicensed wholesale branches, on the following basis:

NOTE: These regulations do not apply to fermented beverages such as ale, beer, etc.

**SALES TO WHOLESALERS, JOBBERS AND TO DRIVERS OR AGENTS WHO OWN  
THEIR OWN DELIVERY EQUIPMENT**

**SALES TO OTHERS WHO RECIEVE 20 PER CENT OR GREATER DISCOUNTS FROM  
THE PRICES TO ORDINARY RETAILERS:**

On all sales to customers mentioned above the sales tax applies on the actual selling prices; where sales to such customers are at tax included prices, the tax may be computed accordingly.

**Excise Tax Act—continued**

Deductions from the selling prices to purchasers mentioned above may be allowed in respect of prepaid transportation charges paid to independent carrier companies. Cash discounts or other allowances actually given by the manufacturer on sales to purchasers referred to above are deductible also. Deductions will not be permitted for the amount by which the selling price of the goods was increased on or after August 1, 1945, under authority of Order No. 538 of the Wartime Prices and Trade Board or for transportation costs for returning empty bottles, packages or other containers.

NOTE: Where sales are made in representative quantities to wholesalers, this is not to fix the value for tax on other sales.

**SALES TO ORDINARY RETAILERS:**

By "ordinary retailers" is meant retail stores, canteens or others who purchase for resale to consumers and who do not obtain any preferred prices or discounts of any kind from established list prices.

Manufacturers or bottlers of soft drinks or milk drinks may account for the sales tax on these sales calculated on the basis of the regular list selling prices to ordinary retailers in the zone or territory in which the sale is made, less a discount of 20 per cent, the sales tax at the current rate to apply on the remainder.

Prepaid transportation charges, cash discounts or any other allowances may not be deducted in addition to the discount of 20 per cent, nor may the amount by which the selling price of the goods was increased on or after August 1, 1945, under authority of Order No. 538 of the Wartime Prices and Trade Board be deducted from the regular list selling price before application of the discount of 20 per cent.

Where sales are made at discounts less than 20 per cent from the regular list prices to ordinary retailers the tax may be paid on the regular list prices to ordinary retailers less 20 per cent.

**SALES TO CONSUMERS:**

Manufacturers or bottlers of soft drinks or milk drinks who sell their products in like units both to ordinary retailers and consumers may account for the sales tax on their sales to consumers calculated on the same basis as that applicable to their sales of like units to ordinary retailers.

Manufacturers or bottlers of soft drinks or milk drinks who sell their products to consumers only may account for the sales tax calculated on the regular selling price to the consumer less a discount of 30 per cent, the tax at the current rate to apply on the remainder. This basis may be used also for calculation of the tax on sales to consumers in units which are not sold to ordinary retailers.

**TRANSFERS TO DISTRIBUTING OR SELLING UNITS:**

Where manufacturers and distributing, delivery or selling organizations are interrelated, associated or affiliated concerns, or where one is subsidiary to the other, the price at which the goods are sold by any of them to *bona fide* independent purchasers in the ordinary course of business shall be the value upon which the tax is payable, and lower prices which may be agreed upon between the manufacturer and the distributing, delivery or selling organization will not be accepted for sales tax purposes.

D. SIM,

*Deputy Minister of National Revenue,  
Customs and Excise.*



**Excise Tax Act—continued**

**34. Tires and Tubes and Retreading Service**

No. 741-C

Fourth Revision

December 20, 1949.

*Tires and Tubes:* Where used tires with beads and wires cut in such a way as to render them unsaleable for use on motor vehicles are imported, the sales tax applies on importation, unless, of course, they are imported by licensees, in which cases the usual rulings apply.

Where used tires are imported for resale in the same condition as imported and with beads and wire uncut, the sales and excise taxes at the current rates will apply on the importation of such used tires.

*Retreaded Tires:* Persons who import, purchase or acquire in Canada, used tires which they retread and sell, are required to operate under sales and excise tax licences and the importations or purchases are to be made free from taxes under license numbers and certificates. Persons operating in this manner are required to account for the sales and excise taxes at the current rates on their actual selling prices.

When a user exchanges his used tire for a retreaded tire, the sales and excise taxes apply at the current rates on the actual selling price of the retreaded tire.

If a user has his own tire retreaded and returned to him, sales and excise taxes do not apply on the retreading charge, but the materials used in such operation are taxable.

D. SIM,

*Deputy Minister of National Revenue,  
Customs and Excise.*

**35. Hydrogen Peroxide**

881-C Revised

December 20, 1949.

It appears that some misunderstanding exists concerning the application of the sales tax and the excise tax of 10 per cent to hydrogen peroxide. In order to clarify the matter the following rulings are furnished for the guidance of those concerned.

**SALES TAX**

The dilution of hydrogen peroxide 100 volume with water only, without the addition of acetanilide or other preservative, is not regarded as a taxable process of manufacture for sales tax purposes. A person who merely dilutes hydrogen peroxide 100 volume with water is not required to account for the sales tax on his sales of the diluted product, the tax being applicable on his purchases or importations of the hydrogen peroxide 100 volume, as well as on his purchases or importations of materials for packaging the diluted product.

A person who dilutes hydrogen peroxide 100 volume with water and adds acetanilide or other preservative is regarded as a manufacturer and required to be licensed as such for sales tax purposes. Under his license he may purchase the hydrogen peroxide 100 volume, preservative, packaging materials, etc., without payment of sales tax, but he must account for the sales tax on his taxable sales.

**Excise Tax Act—concluded****EXCISE TAX**

A person who dilutes hydrogen peroxide 100 volume with water, with or without the addition of acetanilide or other preservative is held to be a manufacturer for excise tax purposes and is required to operate under a manufacturer's excise tax license and to account for the excise tax of 10 per cent on his taxable sales of his product to *bona fide* independent purchasers in Canada.

Hydrogen peroxide 17 volume, 20 volume, and 40 volume, ordinarily subject to excise tax of 10 per cent on sale by the producer thereof, may be regarded as exempt from this tax when sold to industrial users such as dressers and dyers of furs, textile manufacturers, tanners, paint, pigment, and varnish manufacturers, base metal refiners, dry cleaners and laundries.

D. SIM,  
*Deputy Minister of National Revenue,  
Customs and Excise.*

**EXPLOSIVES ACT, 1946. (1946, c. 7)****The Explosives Regulations**

P.C. 4615

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 12th day of November, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of the Explosives Act (10 George VI), chapter 7, Statutes of 1946, is pleased to order as follows:

1. The "Explosives Regulations" established under the Explosives Act by Order in Council P.C. 5115 of December 12, 1946, as amended, are hereby revoked; and
2. The attached "Explosives Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*Explosives Regulations*

1. In these regulations, unless the context otherwise requires,
  - (a) "Act" means The Explosives Act, 1946;
  - (b) "authorized explosive" means any explosive that is declared by the Minister to be an authorized explosive;
  - (c) "Department" means the Department of Mines and Resources;
  - (d) "explosive" means gunpowder, blasting powder, nitroglycerine, guncotton, dynamite, blasting gelatine, gelignite, fulminates of

**Explosives Act—continued**

mercury or of other metals, coloured fires, and every other substance made, manufactured or used with a view to produce a violent effect by explosion, or a pyrotechnic effect, and includes fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, railway track torpedoes, fusees and other signals, and every other adaptation or preparation of any such substance;

- (e) “factory” means any building, structure or premises in which the manufacture or any part of the process of manufacture of an explosive, is carried on, and any building or place where any ingredient of an explosive is stored during the process of manufacture, and any building or place within a factory site in which a finished explosive is stored;
- (f) “inspector” means the Chief Inspector of Explosives, an inspector of explosives, a deputy inspector of explosives, and any other person who is directed by the Minister to inspect an explosive or explosive factory or magazine, or to hold an enquiry in connection with any accident caused by an explosive;
- (g) “licensed factory” means a factory in respect of which a license issued under section six of the Act is in force;
- (h) “licensed magazine” means a magazine in respect of which a license issued under section six of the Act is in force;
- (i) “magazine” means any building, storehouse, structure or place in which any explosive is kept or stored, but does not include
  - (i) a place at or in and for the use of a mine or quarry in a province in which provision is made by the law of such province for the efficient inspection of mines and quarries and explosives used in connection therewith;
  - (ii) a place in which an authorized explosive is kept for the purposes of conveyance when the same is being conveyed or kept in accordance with the provisions of the Act;
  - (iii) the structure or place in which is kept for private use, and not for sale, an authorized explosive to an amount not exceeding that authorized by regulation;
  - (iv) registered premises;
  - (v) any store or warehouse in which are stored for sale authorized explosives to an amount not exceeding that authorized by regulations;
  - (vi) any place at which the blending or assembling of the explosive component parts of an authorized explosive is allowed under section eight of the Act;
- (j) “Minister” means the Minister of Mines and Resources or such other Minister as the Governor in Council may from time to time designate;
- (k) “operator” means a person who operates a factory for manufacturing explosives or who is the manager of or in charge of such factory, or who is the owner or lessee of a magazine or registered premises or who uses a magazine or registered premises for the storage of explosives and “operate” shall have a corresponding meaning;



**Explosives Act—continued**

- (l) “registered premises” means premises in respect of which a certificate is issued under section seven of the Act if the authorized explosive stored thereon does not exceed the amount permitted by such certificate; and
- (m) “safety cartridges” means cartridges for guns, rifles, pistols, revolvers and other small arms, of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges.

2. All officers, non-commissioned officers and constables of the Royal Canadian Mounted Police, while serving as such, are hereby appointed deputy inspectors of explosives, without remuneration.

**Part I**

## CLASSIFICATION

100. Explosives are divided into seven classes, as follows:

- Class 1.—Gunpowder.
- Class 2.—Nitrate Mixture.
- Class 3.—Nitro-compound.
- Class 4.—Chlorate Mixture.
- Class 5.—Fulminate.
- Class 6.—Ammunition.
- Class 7.—Firework.

101. When an explosive falls within the description of more than one class it shall be deemed to belong exclusively to the class with the highest number.

*Class 1—Gunpowder Class*

102. The term “gunpowder” means the explosive ordinarily called gunpowder.

*Class 2—Nitrate Mixture Class*

103. (1) The term “nitrate mixture” means any preparation, other than gunpowder, formed by the mechanical mixture of a nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, whether or not the preparation contains sulphur, and whether or not such preparation is mechanically mixed with any other non-explosive substance.

(2) The nitrate mixture class comprises such explosives as bobbinit, virite, lump-kol and explosives containing a perchlorate and not included in Class 3, Class 4 or Class 5.

*Class 3—Nitro-Compound Class*

104. (1) The term “nitro-compound” means any chemical compound that has explosive properties, or is capable of combining with metals to form an explosive compound, and that is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid) or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not.

**Explosives Act—continued**

(2) The nitro-compound class has two divisions, namely, Division 1 and Division 2.

(3) Division 1 comprises such explosives as dynamite, blasting gelatine, cordite, forcite, gelatine dynamite, gelignite, polar monobel, C-X-L-ite, blastol, and any chemical compound or mechanically mixed preparation that consists either wholly or partly of nitroglycerine, or of some other liquid nitro-compound.

(4) Division 2 comprises such explosives as gun-cotton, nitro-cotton, picrates, picric acid, tonite, trinitrotoluene, and any nitro-compound that is not comprised in Division 1.

*Class 4—Chlorate Mixture Class*

**105.** (1) The term “chlorate-mixture” means any explosive containing a chlorate.

(2) The chlorate-mixture class has two divisions, namely Division 1 and Division 2.

(3) Division 1 comprises such explosives as rack-a-rock and any chlorate preparation which consists partly of nitro-glycerine or of some other liquid nitro-compound.

(4) Division 2 comprises such explosives as cheddite—properly so called, permonite, and any chlorate mixture that is not comprised in Division 1.

*Class 5—Fulminate Class*

**106.** (1) The term “fulminate” means any chemical compound or mechanical mixture, whether included in the foregoing classes or not, that by reason of its great susceptibility to detonation is suitable for employment in percussion caps or any other appliances for developing detonation, or that by reason of its extreme sensibility to explosion and its great instability (that is to say readiness to undergo decomposition from very slight exciting causes) is especially dangerous.

(2) The fulminate class consists of two divisions, namely, Division 1 and Division 2.

(3) Division 1 comprises such compounds as the fulminates of silver and of mercury, and preparations of these substances; any preparation consisting of a chlorate mixed with phosphorus or certain descriptions of phosphorus compounds, with or without the addition of carbonaceous matter; and any preparation consisting of a chlorate mixed with sulphur or with sulphide, with or without carbonaceous matter.

(4) Division 2 comprises such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, lead azide and lead styphnate.

*Class 6—Ammunition Class*

**107.** (1) The term “ammunition” means an explosive of any Class when enclosed in a case or contrivance or otherwise adapted or prepared so as to form a cartridge or charge for small arms, cannon, any other weapon or blasting, or so as to form any safety or other fuse for blasting or shells, or so as to form any tube for firing explosives, or so as to form a percussion cap, detonator, shell, torpedo, war rocket or other contrivance other than a firework.

**Explosives Act—continued**

(2) The term “percussion cap” does not include a detonator.

(3) The term “detonator” means a capsule or case that is of such strength and construction, and contains an explosive of the fulminate-explosive class in such quantity that the explosion of one capsule or case will communicate the explosion to other like capsules or cases.

(4) The term “safety fuse” means a fuse for blasting that burns and does not explode, and that does not contain its own means of ignition, and that is of such strength and construction and contains an explosive in such quantity that the burning of such fuse will not communicate laterally with other like fuses.

(5) The ammunition class has three divisions, namely, Division 1, Division 2 and Division 3.

(6) Division 1 comprises exclusively safety cartridges, safety fuses, railway track torpedoes and percussion caps when the cap is a metal case or capsules, does not contain an anvil, has its composition protected by tin-foil or other suitable substance, contains less than 0·6 grain of a composition of Division 1 of Class 5 (Fulminate), of which not more than 25 per centum consists of fulminate of mercury or less than 0·5 grain of any other explosive of Division 1 of Class 5 (Fulminate), and the whole cap is of such strength and construction that the ignition of one such cap will not ignite other like caps.

(7) Division 2 comprises any ammunition that does not contain its own means of ignition, and is not included in Division 1, such as cartridges and charges for cannon, shell, mines, or other like purpose, electric fuses, electric primers, mining squibs, instantaneous fuse and war rockets, if such rockets do not contain their own means of ignition.

(8) Division 3 comprises any ammunition that contains its own means of ignition, and is not included in Division 1, such as, detonators, percussion caps not included in Division 1, friction tubes, percussion primers, fuses for shell (such as time and percussion fuses), if such fuses do contain their own means of ignition.

(9) Ammunition containing its own means of ignition means ammunition that has an arrangement, whether attached to it or forming part of it, that is adapted to explode or fire the same by friction or percussion.

*Class 7—Firework Class*

**108.** (1) The term “firework” comprises firework composition and manufactured fireworks.

(2) The firework class consists of two divisions, namely, Division 1 and Division 2.

(3) Division 1 comprises firework composition, which term means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature that is used for the purpose of making manufactured fireworks and is not included in any other class of explosives, and also any star and any coloured fire composition that is not included in Division 2.

(4) Division 2 comprises manufactured fireworks, which term means an explosive of any class and any firework composition, when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals, such as flights of rockets, mines,



**Explosives Act—continued**

rockets, serpents, shells, socket distress signals, socket light signals, sound socket signals, Very's signals, wheels and coloured fire compositions when such compositions are of a nature not liable to spontaneous combustion, and in a quantity not exceeding one pound enclosed in a substantially constructed, hermetically closed metal case.

(5) Manufactured fireworks that are not liable to explode violently are classed as "Shop Goods", such as firework showers, flashlight powders, fountains, golden rain, Jap torpedoes, lawn lights, pin wheels, Roman candles, sparklers, toy caps, volcanoes, Chinese crackers when the length does not exceed four inches and mines not exceeding two pounds gross weight, but "shop goods" does not include rockets or salutes.

**Part II**

**AUTHORIZATION AND TESTING**

**200.** All applications to have an explosive declared an authorized explosive shall be addressed to the Chief Inspector of Explosives.

**201.** Every application shall give particulars of—

- (a) the nature and composition of the explosive;
- (b) the limiting percentages of each ingredient of the explosive;
- (c) any substitute or substitutes it may be desired to have approved for any specified ingredient; and
- (d) in the case of a new explosive the process by which it is proposed to carry out its manufacture.

**202.** When, in the opinion of the Chief Inspector of Explosives, an explosive in respect of which an application is made may properly be considered for authorization, and is such as may, under regulations then in force, be forwarded by railroad or other available means of conveyance, the Chief Inspector shall send instructions to the applicant as to the samples required and the manner of forwarding them.

**203.** No person shall send a sample of an explosive to the Chief Inspector of Explosives unless such person has first received the instructions referred to in section two hundred and two of these regulations.

**204.** No person shall send a sample of an explosive to the Chief Inspector of Explosives otherwise than in accordance with instructions given by the Chief Inspector of Explosives pursuant to section two hundred and two of these regulations.

**205.** Explosives submitted for authorization shall be subject to such of the tests enumerated in subsection two of this section as the Chief Inspector of Explosives considers necessary or desirable.

- (2) The tests referred to in subsection one of this section are as follows:
  - (a) Physical properties, including such as consistency, reaction, absorptive power for moisture, segregation in transport, or otherwise, of the constituents; exudation, behaviour at low temperatures, specific gravity and such other physical properties as may be considered necessary;
  - (b) Chemical composition.—Determination of the percentage composition of the ingredients forming the explosive, and the quality of the ingredients employed in its manufacture;

**Explosives Act—continued**

- (c) Stability.—Abel's heat test, Bergmann-Junk test, storage test at seventy-five degrees Centigrade, stability and properties after subjection to varying artificial atmospheric conditions such as would tend to produce spontaneous ignition of an explosive (including fireworks) or variation in sensitiveness;
- (d) Ignition.—Ignition point, behaviour on ignition, liability to spontaneous ignition, behaviour on ignition in quantity;
- (e) Mechanical sensitiveness.—Determination of sensitiveness to friction, percussion by fall hammer, friction pendulum, broom stick, mortar, or other like tests;
- (f) Detonation by influence;
- (g) Velocity of detonation;
- (h) Trauzl's lead block test for comparative disruptive effect;
- (i) Compression of small lead block for relative percussion effect;
- (j) Length and duration of flame;
- (k) Composition of gases evolved upon explosion;
- (l) Calorimetric valuation of the explosive; and
- (m) Such other tests as the Chief Inspector of Explosives may specify.

**206.** The Chief Inspector of Explosives may at any time subject any sample of an explosive to the tests enumerated in Section two hundred and five of these regulations.

**Part III****LICENSES, PERMITS, AND CERTIFICATES**

**300.** (1) The following forms and schedules are prescribed for use in connection with the applications for, and granting of, licenses for factories and magazines, certificates for registered premises and permits for the importation of explosives, namely:

- (a) Form of application for a license for a factory or magazine for explosives, as set forth in Appendix I to these regulations;
- (b) Form of application for a license for a temporary magazine for explosives, as set forth in Appendix II to these regulations.
- (c) Form of application for a certificate for registered premises, as set forth in Appendix III to these regulations.
- (d) Form of application for Permission to Import Explosives, as set forth in Appendix IV to these regulations.
- (e) Schedule A, as set forth in Appendix V to these regulations, to accompany an application for a license for a factory or magazine, and on which shall be entered a description of the construction of the buildings, mounds or works forming part of the factory or magazine.
- (f) Schedule B, as set forth in Appendix VI to these regulations, to accompany an application for a license for a factory or magazine, and on which shall be entered the designation of the authorized explosives that may be manufactured or kept in the said factory or stored in the said magazine.
- (g) Schedule C, as set forth in Appendix VII to these regulations, to accompany an application for a license for a factory, and on which

**Explosives Act—continued**

shall be entered particulars relating to the process or processes that may be carried on in, or the use which may be made of, each building, room or place in the said factory, together with the nature and quantity of the explosive, or explosives, or ingredients thereof, or other articles in respect of which like information may be required, that may be allowed in each building, room or place, and also the maximum number of persons to be in any such building, room or place at any one time.

- (h) Schedule D, as set forth in Appendix VIII to these regulations, to accompany an application for a license for a factory or magazine, and on which shall be specified the distances that shall be maintained between any one building or place forming part of the said factory or magazine, and any other building or resort, whether within or without the factory or magazine, the classification of such buildings or resorts being as set forth in the schedule.
- (i) Form of Factory License, as set forth in Appendix IX to these regulations.
- (j) Form of Magazine License, as set forth in Appendix X to these regulations.
- (k) Form of License for Temporary Magazine, as set forth in Appendix XI to these regulations.
- (l) Form of Certificate for Registered Premises, as set forth in Appendix XII to these regulations.
- (m) Form of Explosives Importation Permit, as set forth in Appendix XIII to these regulations.
- (n) Form of Explosives Special Importation Permit, as set forth in Appendix XIV to these regulations.
- (o) Importers' Transmission Schedule, as set forth in Appendix XV to these regulations.
- (p) Form of Importation Receipt and Authorization, as set forth in Appendix XVI to these regulations.

(2) The terms of a license for a factory shall be the terms set forth in Appendix XVII to these regulations, properly completed in accordance with the approved application, together with such other terms or conditions as the Minister may prescribe in any particular case.

(3) The terms of a license for a magazine shall be the terms set forth in Appendix XVIII to these regulations, properly completed in accordance with the approved application, together with such other terms or conditions as the Minister may prescribe in any particular case.

(4) The terms of a license for a temporary magazine shall be the terms set forth in Appendix XIX to these regulations, properly completed in accordance with the approved application, together with such other terms or conditions as the Minister may prescribe in any particular case.

(5) The terms of a certificate for a registered premises shall be the terms set forth in Appendix XX to these regulations, properly completed in accordance with the approved application, together with such other terms or conditions as the Minister may prescribe in any particular case.

(6) The terms of an importation permit shall be the terms set forth in Appendix XXI to these regulations, properly completed in accordance with the approved application, together with such other terms or conditions as the Minister may prescribe in any particular case.



**Explosives Act—continued**

**301.** (1) Except as provided in subsections two and three of this section a license for a factory or magazine, unless sooner cancelled, is valid until the end of the calendar year in which it is issued.

(2) Where, in the opinion of the Minister, a factory or magazine is so situated or the licensee resides in such a district that it is impracticable to inspect the factory or magazine or to communicate with the licensee during the winter season, the license, unless sooner cancelled, is valid for a period of twelve months from the day of issue or such lesser period as the Minister may fix.

(3) A license for a temporary magazine is valid for a period of twelve months from the day of issue or such lesser period as the Minister may fix.

**302.** A Certificate for registered premises, unless sooner cancelled, is valid until the first day of April next after the day of issue.

**303.** A Permit for the importation of explosives, unless sooner cancelled is valid for a period of six months after the day of issue.

**304.** Special Importation Permits required for special purposes not involving danger to the public, such as the provision of signal rockets to ships in port, nitrocellulose powders in small quantities for use in paints, varnish and other manufacturing operations, unless sooner cancelled, are valid until the first day of January next after the day of issue.

**305.** (1) Subject to subsection two of this section, the fees to be paid for any one permit, license or certificate are as follows:

(a) For each Permit for Importation of Explosives .....	\$ 1
(b) For each License for a Magazine or Temporary Magazine..	2
(c) For each Certificate for Registered Premises .....	1
(d) For each License for a factory, the fee to be paid shall be determined in accordance with the following scale; Selling value of explosives made in factory during the period 1st January to 31st December (inclusive) last preceding the date on which license is issued not exceeding \$375,000.....	\$ 25
Over \$375,000 and not exceeding \$625,000 .....	50
Over \$625,000 and not exceeding \$875,000 .....	75
Over \$875,000 and not exceeding \$1,125,000 .....	100
Over \$1,125,000 and not exceeding \$1,375,000 .....	125
Over \$1,375,000 and not exceeding \$1,625,000 .....	150
Over \$1,625,000 and not exceeding \$1,875,000 .....	175
Over \$1,875,000 .....	200

(2) When the period for which a license is valid does not exceed three, six or nine months the fee therefor is one-quarter, one-half or three-quarters, respectively, of the fee prescribed in subsection one of this section.

**Part IV****MANUFACTURE OF EXPLOSIVES**

**400.** A person may manufacture a small quantity of explosive sufficient only for laboratory experiment and research, to be conducted by him, in a place that is not a licensed factory if all reasonable precautions are observed to prevent injury to persons or damage to property and if the provisions of the Act and these regulations are observed as far as they are otherwise applicable.

**Explosives Act—continued**

**401.** A person working alone may manufacture fireworks in a place that is not a licensed factory if no more than five pounds of explosive substances are kept on the premises at any time and if the operations are conducted upon such conditions and subject to such restrictions as have been fixed by the Minister.

**Part V**

**PACKING FOR TRANSPORTATION (OTHERWISE THAN BY RAILWAY, AIRCRAFT OR VESSEL)**

*Definitions*

**500.** In this Part, unless the context otherwise requires,

- (a) “outer package” means a box, barrel, case or cylinder of wood, metal or other solid material, of such strength, construction and character that it will not be broken or accidentally opened, nor become defective or insecure whilst being conveyed, and will not allow any explosive to escape;
- (b) “inner package” means a substantial case, bag, canister, covering, or other suitable container made and closed so as to prevent any explosive from escaping;
- (c) “propellant” means an authorized explosive of Class 3 adapted and intended exclusively for use as a propelling charge in ordnance or small arms; and
- (d) “special authority” means a written authority granted by an inspector to which may be attached such conditions as may, in the opinion of the inspector, be necessary to meet the special requirements of the case.

*Package to be Clean*

**501.** The interior of every package shall be clean and free from grit.

*No Uncovered Iron or Steel*

**502.** Except as provided in this part no iron or steel shall be used in the construction of a package unless the same is covered with a suitable material or guarded so as effectually to prevent the exposure of such iron or steel.

*Exclusive Use of Package*

**503.** (1) Except as provided in subsection two of this section no person shall pack an explosive in a package that contains another explosive or any other article or substance.

- (2) Nothing in subsection one of this section prohibits
  - (a) the packing in one outer package of inner packages containing one kind of propellant together with inner packages containing another kind of propellant, or
  - (b) the packing of an article that is not of an inflammable or explosive nature or liable to cause fire or explosion, with explosives of Division 1 of Class 6 (Ammunition).

**504.** Subject to the preceding sections of this Part the following shall be the method of packing authorized explosives of the various classes respectively, and the maximum amounts that may be in any one package.

**Explosives Act—continued**

Class of Explosive	Method of Packing	Gross Weight	Amount in any one inner Package
Class 1.....	A single outer package, as defined above.	100 lb.	
Class 2.....	As for Class 1.....	100 lb.	
Class 3, Div. 1, other than propellants and nitroglycerine.	A double package consisting of an inner package and an outer package as above defined; either the inner or outer package shall be thoroughly waterproof.	75 lb.	50 lb.
Class 3, Div. 1, propellants...	As for Class 1.....	200 lb.	
Class 3, Div. 1, Nitroglycerine.	Nitroglycerine shall, if required to be packed for conveyance, be packed in accordance with conditions set forth in a special authority.		
Class 3, Div. 2, other than propellants and nitrocellulose.	A double package consisting of an inner package and an outer package as above defined.	75 lb.	75 lb.
Class 3, Div. 2, propellants...	As for Class 1.....	200 lb.	
Nitrocellulose so wetted with water or alcohol as to contain not less than 1 lb. water or alcohol to 4 lb. dry material.	As for Class 1, provided that the package is of such a nature and so closed as to prevent any material loss of water or alcohol during conveyance.	450 lb.	
Nitrocellulose dry-uncompressed.	A double package consisting of an inner package and an outer package as above defined; the inner package shall have a strong wrapper of paraffined paper or other suitable spark-proof material.	10 lb.	1 lb.
Nitrocellulose dry-compressed.	As for dry uncompressed nitrocellulose..	75 lb.	
Class 4, Div. 1.....	As for Class 3, Division 1, other than propellants and nitroglycerine.	75 lb.	12½ lb.
Class 4, Div. 2.....	As for Class 3, Division 1, other than propellants and nitroglycerine.	140 lb.	
Class 5, Div. 1.....	The explosive shall be packed wet containing not less than 25% water, and shall, in this condition be enclosed in a treble package; the innermost package containing the wet explosive shall be a bag of heavy cotton cloth or other suitable material of close mesh but permeable to water; the intermediate package shall contain all the individual packages and sufficient water to keep the explosive in them constantly wet, and may, consistent with the requirements of the security of the whole package, be in the form of a rubber bag, or of a case, or of such special lining to the outer packages as will efficiently attain this object, and it must itself be constantly surrounded by or saturated with water; the outer package shall be as above defined, and shall be of such construction and material as will not allow water to escape.	250 lb.	
Class 5, Div. 2.....	Explosives of this Division shall, if required to be packed for conveyance, be packed in accordance with conditions set forth in a special authority.		



**Explosives Act—continued**

Class of Explosive	Method of Packing	Gross Weight	Amount in any one inner Package
Class 6, Div. 1.....	As for Class 1, except that section 502 of these regulations does not apply to explosives of this Division; bulleted cartridges shall be packed in such a manner that the point of any bullet cannot come in contact with the cap of another cartridge.	Unlimited	
Class 6, Div. 2.....	Explosives made up into cartridges or charges for cannon, shells, torpedoes, mines, blasting or other like purposes shall be packed in such a manner and in such quantity as is required for the same explosive when not so made up; where a double package is required the enclosing case of such cartridges or charges, may, if it satisfy the conditions required for the inner package, be held to be such inner package. Other ammunition of this Division: a single outer package.	150 lb.  150 lb.	
Class 6, Div. 3, other than detonators and electric detonators.	A double package consisting of an inner package and an outer package as above defined.	150 lb.	
Detonators.....	(a) Not exceeding 5,000; a double package consisting of an inner package and an outer package as defined; the detonators shall fit snugly in the inner package, and shall be closed securely against leakage of contents by suitable elastic material placed over the detonators; the inner packages shall be separated from the outer package by a layer of sawdust, excelsior or equivalent cushioning material at least one inch thick. (b) Exceeding 5,000; the detonators shall be packed in inner packages as described in (a) above. Such inner packages shall be packed in a double outside package, the two outside packages being separated at all points by at least one inch of sawdust, excelsior or equivalent cushioning material.	5,000 in number.  150 lb.	100 in number.  100 in number.
Electric detonators.....	A double package consisting of an inner package and an outer package as defined.	150 lb.	50 in number.
Class 7, Div. 1.....	A double package consisting of an inner package being hermetically closed, and contained in an outer package as defined	20 lb.	1 lb.
Class 7, Div. 2.....	As for Class 1, except that section 502 of these regulations does not apply to explosives of this division.	500 lb.	

**Explosives Act—continued***Additional Package*

**505.** Nothing in this Part prohibits the use of an additional package whether inner or outer, unless such additional package is of a character prohibited in writing by an inspector.

*Unauthorized Explosives*

**506.** An explosive that is not an authorized explosive shall be packed in such a manner as may be directed by a special authority with reference to such explosive.

*Marking*

**507.** (1) Subject as in this section provided, on the outer package there shall be affixed in conspicuous characters by means of a brand or securely attached label or other mark, the word "EXPLOSIVE", and the name of the explosive, the number of the class and division to which it belongs, and the name of the manufacturer or sender.

(2) In the case of explosives of Classes 3 and 4 there shall be added the date of manufacture or issue from the factory, or such sign indicating such date as may be approved by an inspector.

(3) In the case of cartridges or other charges for ordnance, shells, mines, blasting or other like purpose that do not contain their own means of ignition, the marking shall be as for the explosive when not so made up.

(4) In the case of explosive of Division 1 of Class 6, except safety fuses, there shall be added the words "Not liable to explode in bulk".

(5) In the case of safety fuses or gunpowder the word "Explosive" and the number of the class and division may be omitted.

(6) Where an outer package contains more than one explosive, the marking above required shall be affixed separately in respect of each explosive so contained.

*Special Authorities*

**508.** To meet special cases exemption may be granted by special authority from the observance of any one or more of the conditions prescribed by this Part.

**Part VI****TRANSPORTATION (OTHERWISE THAN BY RAILWAY, AIRCRAFT, OR VESSEL)**

**600.** No person shall forward to a warehouseman or carrier a consignment of explosives unless he first gives a notice to such warehouseman or carrier stating the name and quantity of explosives proposed to be conveyed and the name and address of the proposed consignee and unless he has had an intimation, either general or special of the time at which the warehouseman or carrier is prepared to receive the consignment.

**601.** No warehouseman or carrier shall intimate that he is prepared to receive a consignment of explosives or receive such consignment, unless he is prepared forthwith to despatch the same or to deposit the explosive in a magazine or store duly licensed or authorized for the keeping of such explosive.

**Explosives Act—continued**

**602.** (1) Nitroglycerine shall not be conveyed in any carriage or boat except by written authority granted by an inspector to which may be attached such conditions as are in the opinion of the inspector, necessary to meet the special requirements of the case.

(2) This section does not apply to the conveyance of nitroglycerine within a licensed factory.

**603.** In respect of the quantity and nature of explosives that may be conveyed and subject to the provisions of this Part governing the manner of their stowage and transportation, the following provisions shall be observed, except in any harbour and except in the case of any explosive of Division 1 of Class 6 (Ammunition):

- (a) no explosive belonging to Class 5 (Fulminate), Division 3 of Class 6 (Ammunition) or Division 1 of Class 7 (Firework), and not more than five pounds of any other explosive shall be conveyed in any carriage or boat plying for or carrying public passengers;
- (b) no explosive in excess of fifty pounds shall be conveyed in any carriage or boat carrying as merchandise any article liable to cause or communicate fire or explosion such as charcoal, matches, articles for striking a light or gasoline;
- (c) no explosive in excess of two thousand pounds shall be conveyed in any carriage that is not enclosed on all sides with wood or metal, or in any boat not provided with a close deck so closed as effectually to protect the explosive against accident by fire from without; and
- (d) the maximum quantity that may be carried
  - (i) in any boat shall not exceed fifty thousand pounds;
  - (ii) in any carriage on a private railway of less than standard gauge shall not exceed ten thousand pounds; and
  - (iii) in any other carriage shall not exceed four thousand pounds; and in no case shall any carriage conveying explosives be loaded in excess of eighty per centum of its carrying capacity.

**604.** In respect of the manner of stowage of explosives conveyed in any carriage or boat, the following provisions shall be observed:

- (a) no explosive of Class 5 (Fulminate), of Division 3 of Class 6 (Ammunition) or of Class 7 (Firework) shall be conveyed in the same carriage or boat with any explosive not of the class or division to which it belongs, unless it is sufficiently separated therefrom to prevent any fire or explosion that may take place in one such explosive from being communicated to another; detonators and electric detonators of Division 3 of Class 6 (Ammunition) shall be deemed, for the purpose of this section, to be sufficiently separated from an explosive of another class or division if,
  - (i) the detonators and electric detonators are packed in accordance with Part V of these regulations;
  - (ii) the total number of detonators and electric detonators does not exceed five thousand No. 6 or their equivalent; and
  - (iii) the detonators and electric detonators are separated from other explosives by a partition of wood six inches thick;
- (b) if the explosive when conveyed in the interior of a carriage that is enclosed on all sides with wood or metal or in the hold of a boat having a close deck securely closed, is not effectually protected



**Explosives Act—continued**

- from accident by fire from without, the explosive shall be completely covered with painted cloth, tarpaulin, or other suitable material so as to effectually protect it against communication by fire;
- (c) there shall not be any iron or steel in the interior of the portion of the carriage or boat where the explosive is deposited, unless the iron or steel is covered either permanently or temporarily with leather, wood, tarpaulin or other suitable material;
  - (d) in any carriage or boat containing explosive no matches other than safety matches shall be carried for the use of such carriage or boat, and such safety matches shall be kept in a safe place apart from the explosive; and
  - (e) in the stowing of explosives in any carriage or boat due precautions shall be taken by means of a partition or otherwise, and by careful stowing, to secure such explosive from being brought into contact with or endangered by, any other article or substance conveyed in such carriage or boat that is liable to cause fire or explosion.

**605.** In respect of the conditions under which the operations of loading, unloading, or conveyance of explosives are conducted, the following provisions shall be observed:

- (a) all persons engaged in the loading, unloading or conveyance of explosives shall observe all due precautions for the prevention of accidents by fire or explosion, and for preventing unauthorized persons having access to the explosive so being loaded, unloaded or conveyed, and shall abstain from any act whatever that tends to cause fire or explosion, and is not reasonably necessary for the purpose of loading, unloading or conveyance of such explosive or of any other article carried therewith, and for preventing any other person from committing any such act, and any other person who, after being warned, commits any such act, shall be deemed to commit a breach of this provision;
- (b) in the case of a gasoline or oil-driven vehicle, the engine shall not be run during the loading or unloading of explosives;
- (c) after the loading or unloading of explosive on or out of any carriage or boat is begun, no longer time shall be suffered to pass than with the use of all due diligence is reasonably necessary for the purpose of such loading or unloading;
- (d) a person while on, in, or attending any carriage or boat containing explosive shall not smoke when within any city, town or village;
- (e) a person in charge of any carriage or boat containing explosive shall not drive or conduct the same in a dangerous or reckless manner, and a person who is intoxicated shall not have charge of any such carriage or boat, and shall not be permitted to be in, on, or attending the same;
- (f) a person in charge of a carriage or boat conveying explosives shall not delay for a longer time than may be reasonably necessary, nor stop unnecessarily at any place where such stopping would be attended with special public danger, and shall as far as possible select a route avoiding centres of habitation;
- (g) in the case of a carriage or boat conveying explosive exceeding fifty pounds due provision shall be made for preventing the intro-

**Explosives Act—continued**

duction into such carriage or boat of fire, matches, or any substance or article likely to cause explosion or fire, or the introduction of any iron, steel or grit so as to come in contact with such explosive; this provision does not prevent the introduction of an artificial light of such construction, position or character, or of safety matches of such character as not to cause any danger of fire or explosion;

- (h) any carriage or boat conveying explosives exceeding fifty pounds shall be equipped with an efficient fire extinguisher of adequate size and capable of dealing with gasoline or oil fire;
- (i) each carriage or boat conveying explosive, in any city, town or village, exceeding fifty pounds, or elsewhere exceeding one thousand pounds, shall be in the exclusive charge of and constantly attended by some competent person, and such person shall not have charge of more than one such carriage or boat; this provision does not apply in the case of a carriage forming part of a continuous train on any private railway if such train is in charge of and constantly attended by some competent person;
- (j) when a halt is made over night in the transportation of explosive contained in any carriage or boat, the premises in which the carriage is kept shall not be used for such other purpose as might give rise to the presence therein of naked lights, matches, or any substance or article likely to cause explosion or fire, and the place at which the boat is moored or wharf to which it is tied up shall be at a reasonable distance from any habitation or storehouse or boat containing articles of any inflammable nature, and such carriage or boat shall, at all times, be in charge of, and attended by, some competent person;
- (k) when two or more carriages or boats, conveying explosives exceeding in the aggregate the amount allowed by these regulations to be carried in one such carriage or boat, are travelling together, a space of at least fifty yards between each carriage or boat and every other such carriage or boat shall be maintained unless circumstances render it impracticable, or unless, in the case of a train on a private railway, three or more cars not containing inflammable or explosive goods intervene between each such carriage and every other such carriage, or between such carriage and the locomotive; and
- (l) on any carriage or boat containing explosives in excess of fifty pounds a red flag, at least two feet square, shall be flown by day and a red light shown by night; when on a boat the red light shall be at the masthead or if the boat has no mast, on a staff, in such manner as to be visible in all directions and of a power such as to be distinctly seen, on a clear night, at a distance of three hundred yards.

**606.** In respect of gasoline or oil-driven vehicles, the following additional provisions shall be observed:

- (a) explosives shall not be conveyed in any form of trailer or semi-trailer, nor shall any trailer or semi-trailer be attached to a vehicle conveying explosives;
- (b) vehicles, when conveying explosives, shall come to a full stop before crossing any railroad track and shall not cross it

**Explosives Act—continued**

- until it is known that the way is clear and no train or engine is approaching; such vehicles shall also come to a full stop before crossing main highways and then only proceed when the way is clear;
- (c) the gasoline tank of a vehicle shall not be filled while explosives are on the vehicle except in emergency, and then only when the engine is stopped;
  - (d) vehicles containing explosives shall not be left unattended with the motor running or the brakes unset; and
  - (e) when a vehicle is being used for conveying explosives, the owner or operator shall see that such vehicle is inspected daily to determine that:
    - (i) fire extinguishers are filled and in working order;
    - (ii) electric wiring is completely insulated and firmly secured;
    - (iii) gasoline tank and feed line have no leaks;
    - (iv) chassis, engine, pan and bottom of body are clean and free from surplus oil and grease; and
    - (v) brakes and steering apparatus are in good condition.

**Part VII****GENERAL REGULATIONS FOR FACTORIES FOR EXPLOSIVES**

**700.** The terms of a licence for a factory shall be duly observed, and the manufacture or keeping, or any process in or work connected with the manufacture or keeping, of explosives shall not be carried on except in accordance with those terms.

**701.** A factory magazine shall be used only for the keeping of such explosive and such ingredients thereof as may be specified in that behalf in the licence, and receptacles for, or tools or implements for work connected with, the keeping of such explosive and ingredients.

**702.** A building in which explosive or any ingredient thereof that either by itself is possessed of explosive properties, or that when mixed with any other ingredient or article, also present in such building, is capable of forming an explosive mixture or an explosive compound, is kept or present or may be kept or present in the course of manufacture, shall, unless specially exempted by the licence or by an order of an inspector, be deemed to be a danger building; and the interior of every such building, and the benches, shelves, and fittings in such building (other than machinery), shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel in such manner, and the detachment of any grit, iron, steel, or similar substance in such manner, as to come into contact with the explosive or ingredients thereof in such building; and such interior, benches, shelves and fittings shall, so far as is reasonably practicable, be kept clean and free from grit.

**703.** Charcoal, whether ground or otherwise, oiled cotton, oiled rags or oiled waste or any article liable to spontaneous ignition, shall not be taken into any danger building except for the purpose of immediate supply and work or immediate use in such building, and upon the cessation of such work or use shall be forthwith removed.

**704.** Before repairs are done to, or in any room in or other part of, a danger building, that room or part shall, so far as practicable, be cleaned by the removal of all explosive, and wholly or partly mixed ingredients



**Explosives Act—continued**

thereof, and by the thorough washing of such room or part of the building, after being so cleaned, shall be deemed not to be a danger building within the meaning of this part until explosive or any ingredient thereof that either by itself is possessed of explosive properties, or that, when mixed with any other ingredient or article also present in such building, is capable of forming an explosive mixture or an explosive compound, is again taken into it; and during the time that such room or part of the building is so deemed not to be a danger building within the meaning of this Part a person employed to make such repairs may, notwithstanding anything in this Part, have matches in his possession in such room or part of the building if the work to be done by him requires the use of matches and if he holds a permit, signed by or under the authority of the operator of the factory, authorizing him to have matches in his possession in such room or part of the building.

**705.** The Minister may make special rules to be observed in any particular factory.

**706.** The operator of a factory shall constantly keep affixed in every danger building, either outside or inside, in such manner as to be easily read, a statement of the quantities of explosive or ingredients allowed to be in the building, a copy of this Part, a copy of any portions of the Act required by the Minister to be so affixed, such part of the licence as applies to the building, a copy of all special rules made by the Minister under this Part with reference to that building, and the name of the building or words indicating the purpose for which it is used, and the operator shall also suitably place in or near the site of the factory, notices giving warning against trespassing on the property, which notices shall include a quotation of section twenty-one of the Act.

**707.** All tools and implements used in any repairs to or in a danger building shall be made only of wood, or copper, or brass, or some soft metal, or material, or shall be covered with some safe and suitable material.

**708.** Due provision shall be made, by the use of suitable working clothes without pockets and suitable shoes and by searching and otherwise, or by some of such means, for preventing the introduction into any danger building of fire, matches, or any substance or article likely to cause explosion or fire, and for preventing the introduction of any iron, steel, or grit into any part of a danger building where it would be likely to come into contact with explosive or the wholly or partially mixed ingredients thereof; but this section does not prevent the introduction of artificial light of such construction, position or character as not to cause any danger of fire or explosion.

**709.** No person shall smoke in any part of the factory except in such part (if any) as may be allowed by the special rules made by the Minister under this Part.

**710.** No person shall have in his possession a match or other fire-producing device in any part of a factory except in such part, if any, as may be allowed by the special rules made by the Minister under this Part.

**711.** Any carriage, boat, or other receptacle in which explosive, or any ingredient thereof that by itself is possessed of explosive properties, or that when mixed with any other ingredient or article also present in such carriage, boat, or receptacle is capable of forming an explosive mixture or an explosive compound, is conveyed from one building to another in a factory, or from any such building to any place outside of such factory, or

**Explosives Act—continued**

from one part of a factory to any other part or to a place outside of such factory, shall, unless specially exempted by the license, or by an order of an inspector, be constructed without any exposed iron or steel in the interior thereof, and shall convey only the explosive and ingredients, and shall be closed or otherwise properly covered over; and the explosive and ingredients shall be so conveyed with all due diligence, and with such precaution and in such manner as will sufficiently guard against any accidental ignition or explosion; provided that so much of this section as applies to the exclusion of iron or steel shall not be obligatory in the case of a carriage, boat, or other receptacle in which no explosive other than explosive of Division 1 of Class 6 (Ammunition) is conveyed.

**712.** A person under the age of sixteen years shall not be employed in or enter any danger building except in the presence and under the supervision of some responsible person over the age of twenty-one years.

**713.** Every ingredient in course of manufacture into explosive that either by itself is possessed of explosive properties, or that when mixed with any other ingredient or article also present in any working building is capable of forming an explosive mixture or an explosive compound, shall be removed with all due diligence from such working building so soon as the process connected with those ingredients that is carried on in such building is completed, and all finished explosive shall with all due diligence either be removed to a factory magazine or sent away immediately from the factory, and such explosive and ingredients shall be loaded and unloaded with all due diligence.

**714.** Wherever danger may arise from foreign matter being present with the explosive or any ingredient thereof, all ingredients to be made or mixed into explosive shall, before being so made or mixed, be carefully examined, sifted, or otherwise treated for the purpose of removing therefrom or excluding, so far as practicable, all such dangerous foreign matter.

**715.** On the approach of a thunderstorm the magazines and other danger buildings shall be closed and every person engaged in or about them shall be withdrawn therefrom except where an operation is in process, the stopping of which would in itself contribute a danger, in which case the operation shall be carried on to that point at which it can be suspended with safety; and no such operation shall be commenced while the thunderstorm lasts.

**716.** The operator of a licensed factory shall keep a record of the issues of explosives from the factory, which record shall be shown by him to an inspector whenever the inspector so requires.

**717.** Every person who is required by a special rule made by the Minister under this Part to do or abstain from doing anything, shall do or abstain from doing such things as required.

**Part VIII****GENERAL REGULATIONS FOR MAGAZINES FOR EXPLOSIVES**

**800.** In every magazine, every building in which explosive is kept shall be used only for the keeping of such explosive as may be specified in the license, or as receptacles for the tools or implements for work connected with the keeping of such explosives.

**Explosives Act—continued**

**301.** When an explosive of Class 5 (Fulminate) is kept in a magazine no explosive of any other class shall be kept in that magazine.

**302.** When two or more explosives are kept in the same magazine they shall be separated from each other by an intervening partition of such substance and character as will effectually prevent explosion or fire in one communicating with the other, except that

- (a) the various explosives of Classes 1, 2, 3, 4, safety fuse belonging to Division 1 of Class 6, and such of the various explosives of Division 2 of Class 6 as do not contain any exposed iron or steel, may be kept with each other without any intervening partitions;
- (b) the various explosives of Division 1 of Class 6 may be kept with each other without any intervening partition;
- (c) such of the various explosives of Division 2 of Class 6 as contain any exposed iron or steel may be kept with each other without any intervening partition;
- (d) the various explosives of Division 3 of Class 6 may be kept with each other without any intervening partition; and
- (e) the various explosives of Class 7 may be kept with each other without any intervening partition.

**303.** A building in which there is kept or present explosive shall, unless specially exempted by the license or by an order of an inspector, be deemed to be a danger building, and the interior of every such building, and the benches, shelves, and fittings in such building, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel in such manner, and the detachment of any grit, iron, steel, or similar substance in such manner as to come into contact with the explosive in such building, and such interior, benches, shelves and fittings shall, so far as is reasonably practicable, be kept clean and free from grit; provided that so much of this section as applies to the exclusion of grit, iron, or steel shall not be obligatory in a building in which no explosive other than explosive of Division 1 of Class 6 (Ammunition) is kept.

**304.** Charcoal, whether ground or otherwise, oiled cotton, oiled rags or oiled waste, or any articles liable to spontaneous ignition, shall not be taken into any danger building except for the purpose of immediate supply and work or immediate use in such building, and upon the cessation of such work or use shall be forthwith removed.

**305.** Before repairs are done to, or in any room in or other part of, a danger building, that room or part shall, so far as practicable, be cleaned by the removal of all explosive, and by the thorough washing of such room or part; such room or part of the building, after being so cleaned shall be deemed not to be a danger building within the meaning of this Part until explosive is again taken into it; and during the time that such room or part of the building is so deemed not to be a danger building within the meaning of this Part a person employed to make such repairs may, notwithstanding anything in this Part, have matches in his possession in such room or part of the building if the work to be done by him requires the use of matches and if he holds a permit, signed by or under the authority of the operator of the factory, authorizing him to have matches in his possession in such room or part of the building.

**306.** The Minister may make special rules to be observed in any particular magazine.



**Explosives Act—continued**

**807.** The operator of a magazine shall constantly keep affixed in every danger building, either outside or inside, in such a manner as to be easily read, a statement of the quantity of explosive allowed to be in the building, a copy of this Part, a copy of any portions of the Act required by the Minister to be so affixed, such part of the license as applies to the building and a copy of all special rules made by the Minister under this Part with reference to that building, and the operator shall also suitably place in or near the site of the magazine, notices giving warning against trespassing on the property, which notices shall include a quotation of section twenty-one of the Act.

**808.** All tools and implements used in any repairs to or in a danger building shall be made only of wood, or copper, or brass, or some soft metal, or material, or shall be covered with some safe and suitable material.

**809.** No person shall have in his possession a match or other fire-producing device in any part of a magazine except in such part, if any, as may be allowed by the special rules made by the Minister under this Part.

**810.** Due provision shall be made, by the use of suitable working clothes without pockets and suitable shoes and by searching and otherwise, or by some of such means, for preventing the introduction into any danger building of fire, matches, or any substance or article likely to cause explosion or fire, and for preventing the introduction of any iron, steel, or grit into any part of a danger building where it would be likely to come into contact with explosive; and in the case of a magazine in which any explosive that is liable to be dangerously affected by water is kept, due precautions shall be taken to exclude water from such magazine; but this section does not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion; and so much of this section as applies to the exclusion of iron, steel, or grit shall not be obligatory in a magazine in which no explosive other than explosive of the Division 1 of Class 6 (Ammunition) is kept.

**811.** No person shall smoke in any part of the magazine except in such part (if any) as may be allowed by the special rules made by the Minister under this Part.

**812.** Any carriage, boat, or other receptacle in which explosive is conveyed from one building to another in a magazine, or from any such building to any place outside of such magazine, or from one part of a magazine to any place outside of such magazine, shall, unless specially exempted by the license or by an order of an inspector, be constructed without any exposed iron or steel in the interior thereof, and shall convey only the explosive, and shall be closed or otherwise properly covered over; and the explosive shall be so conveyed with all due diligence, and with such precautions and in such manner as will sufficiently guard against any accidental ignition or explosion; provided that so much of this section as applies to the exclusion of iron or steel shall not be obligatory in the case of a carriage, boat, or other receptacle in which no explosive other than explosive of Division 1 of Class 6 (Ammunition) is conveyed.

**813.** A person under the age of sixteen years shall not be employed in or enter any danger building, except in the presence and under the supervision of some responsible person over the age of twenty-one years.

**Explosives Act—continued**

**814.** On approach of a thunderstorm the magazine, if open, shall be closed, and every person in or about it shall be withdrawn therefrom for its duration.

**815.** Every operator of a magazine shall enter in a book to be kept by him for that purpose the name and address of every person to whom and the date on which explosives are consigned or delivered from his magazine, and the name and address of every person from whom explosives are received at the magazine, together with particulars of the quantity and nature of the explosives consigned, delivered, or received; such book shall be shown by him to an inspector whenever the inspector so requires.

**816.** Every person who is required by a special rule made by the Minister under this Part to do or abstain from doing anything, shall do or abstain from doing such things as required.

**Part IX**

GENERAL REGULATIONS FOR MAGAZINES FOR FIREWORKS

**900.** A magazine for fireworks shall be used exclusively for the keeping of manufactured fireworks to an amount not exceeding that specified in the license, and such tools or implements required for work connected with the keeping of such fireworks as are set forth in the special rules made by the Minister under this Part.

**901.** Where a magazine for fireworks forms part of a building, the other parts of which are used for any other purposes, it shall be separated therefrom by suitable fireproof partitions and the floor, and roof and doors shall also be of a fireproof character; it shall be equipped with an efficient system of sprinklers, and such other measures as may, in the opinion of an inspector, be deemed necessary in the interests of the prevention or localization of fire, shall be taken by the licensee, whether or not these are set forth in the terms of license.

**902.** Where a detached building is used as a magazine for fireworks, the provision of sprinklers and fireproof walls, floor, roof and doors shall, unless specially required by the terms of license, be optional, but such other measures as may, in the opinion of an inspector, be deemed necessary in the interests of the prevention and localization of fire, shall be taken by the licensee, whether or not these are set forth in the terms of license.

**903.** The interior of a magazine for fireworks, and the benches, shelves, and fittings in such magazine, shall be so constructed or so lined or covered as to prevent the exposure of any iron or steel in such manner, and the detachment of any grit, iron, steel, or similar substance in such manner as to come in contact with the fireworks in such magazine, and such interior, benches, shelves and fittings, shall, so far as is reasonably practicable, be kept clean and free from grit.

**904.** No fire, matches, oiled waste, iron, steel, grit or any article liable to spontaneous ignition, or likely to cause explosion or fire, shall be taken into, or permitted to be at any time in the magazine, nor shall any lights be taken into, or be permitted to be at any time in the magazine, other than electric lights or electric torches or other closed and protected lanterns

**Explosives Act—continued**

so designed and constructed that the flame or incandescent portion cannot come in contact with any material outside of the lantern, and which is not liable to cause fire or explosion on falling.

**905.** The operator of a magazine for fireworks shall constantly keep affixed in every such magazine, either outside or inside, in such manner as to be easily read, a statement of the quantity of fireworks allowed to be in the magazine, a copy of this Part, a copy of the special rules made by the Minister under this Part, any part of the Act required by the Minister to be so affixed, and such part of the license as applies to the magazine; and where the magazine is an entire building separate from other buildings, the operator shall suitably place in or near the site of the magazine, notices giving warning against trespassing on the property, which notices shall include a quotation of section twenty-one of the Act.

**906.** All tools or implements kept or used in a magazine for fireworks, or in opening, securing and removing packages containing fireworks, shall be made only of copper, bronze, brass, gun metal or wood.

**907.** A person under the age of sixteen years shall not be employed in or enter any magazine for fireworks, except in the presence and under the supervision of some responsible person over the age of twenty-one years.

**908.** Every magazine for fireworks shall have the word "Explosive" clearly displayed thereon in large roman letters in red on a black ground.

**909.** (1) The Minister may make special rules to be observed in any particular magazine for fireworks.

(2) Every person who is required by a special rule made by the Minister under this Part to do or abstain from doing anything, shall do or abstain from doing such things as required.

**Part X****SALE OF EXPLOSIVES**

**1000.** The following explosives (which shall not be sold by any person unless he is the owner or occupant of a licensed factory, licensed magazine or registered premises) are designated for the purpose of section five of the Act, namely, all explosives except

- (a) gunpowder or small arms nitro-compound when the total quantity stored for sale does not exceed twenty-five pounds;
- (b) percussion caps when the total quantity stored for sale does not exceed ten thousand in number;
- (c) safety cartridges made with gunpowder or with small arms nitro-compound, and safety fuses, if the quantity stored does not exceed that permitted by Part XII of these regulations;
- (d) manufactured fireworks classed as "shop goods", distress signals, maroon signals and fusees, if the quantity stored does not exceed that permitted by Part XII of these regulations; or
- (e) authorized explosives sold by the owner, operator or manager of a mine or quarry
  - (i) for immediate use in the said mine or quarry, or
  - (ii) to *bona fide* prospectors, if the magazine is under the supervision of the provincial Department of Mines or is licensed under the Act and if the said owner, operator or manager



**Explosives Act—continued**

keeps a written record of the name and address of the prospector, the nature and quantity of explosives sold and the date of the sale, which record shall be open at any time for inspection by an inspector or a peace officer as defined in the Criminal Code.

**1001.** (1) Every manufacturer shall plainly print on every article of shop goods manufactured by him or, if printing on the article is not practicable, on every package containing shop goods, his name and address and directions or instructions for the proper use of the article.

(2) No person shall sell any article of shop goods unless there is plainly printed on the article or, if printing on the article is not practicable, on every package containing shop goods, the name and address of the manufacturer and directions or instructions for the proper use of the article.

**Part XI**

REGULATIONS LIMITING THE AMOUNT OF AUTHORIZED EXPLOSIVE THAT MAY BE KEPT IN REGISTERED PREMISES, AND PRESCRIBING THE MANNER IN WHICH IT SHALL BE HANDLED AND STORED THEREIN

**1100.** This Part does not apply to premises used for the keeping of explosives of Division 1 of Class 6 (Ammunition) or of Division 2 of Class 7 (Fireworks).

**1101.** (1) Explosives shall not be kept in registered premises to an amount exceeding that authorized by this Part or such lesser amount as may be authorized in the certificate of registration or by provincial or local authority.

(2) Explosives shall not be kept in registered premises in a manner other than that prescribed by this Part.

**1102.** Registered premises may comprise either a detached store or a suitable receptacle, or both, provided that the location and construction of the store, and the nature of the receptacle, and the manner of their maintenance, are as described in this Part.

**1103.** In this Part, the expression "detached store" means

- (a) a building well and substantially constructed of brick, stone, concrete, or other fire-resistant substance or of wood covered or treated with fire-resistant material;
- (b) an excavation in solid rock or earth; or
- (c) a bin well and substantially constructed of wood covered or treated with fire-resistant material;

which building, excavation or bin is

- (d) detached from any building, and situated at a safe distance from any highway, street, public thoroughfare or public place;
- (e) made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without; and
- (f) exclusively used for the keeping of explosives.

**1104.** In regard to any detached store the following provisions shall be observed:

- (a) the door of the store shall be of a substantial construction, and shall open outwards, and shall be kept securely closed and locked

**Explosives Act—continued**

- except when the store is required to be open for the receipt or issue of explosives, or for other necessary purpose;
- (b) adequate provision shall be made for the ventilation of the store;
  - (c) the interior of the store and all fittings therein shall be so constructed, covered, or lined, as to prevent the exposure of any iron or steel, or of any hard or gritty surface, or the entry, detaching, or accumulating of any grit, iron, steel, or similar substance;
  - (d) the interior of the store shall be kept scrupulously clean;
  - (e) in the case of any explosive that is liable to be dangerously affected by water, such as those of Division 1 of Class 3, due precautions shall be taken to exclude water from the store;
  - f) any article or substance of a highly inflammable nature, or any article liable to cause fire or explosion shall be kept at a safe distance from the store;
  - (g) no fire, lights, matches, oiled waste, iron, steel, grit, or any article liable to spontaneous ignition, or likely to cause explosion or fire shall be taken into, or permitted to be at any time in the store;
  - (h) all tools or implements kept or used in a store where explosives are present, or in opening, securing or removing packages containing explosives shall be made only of copper, bronze, brass, gun metal, or wood; and
  - (i) the store shall have the word **EXPLOSIVES** clearly displayed thereon in large roman letters—in red on a black ground.

**1105.** In this Part, the expression “suitable receptacle” means a substantial receptacle,

- (a) that may be placed inside a building that is not itself adapted for the keeping of explosives;
- (b) the location of which is not changed from that prescribed by the person who issued the certificate of registration;
- (c) that is kept away from goods of an inflammable nature; and
- (d) that is of easy access for removal in case of fire.

**1106.** In regard to any receptacle the following provisions shall be observed:

- (a) it shall be provided with a closely fitting lid or door secured by a lock, and hinges and fastenings—preferably of copper or brass—and otherwise closed and secured so as to prevent unauthorized persons having access thereto, and shall be kept locked except when required to be open for receipt or removal of explosives, or other necessary purpose;
- (b) it shall be exclusively used for the keeping of explosive;
- (c) it shall be made of wood, copper, or other suitable material;
- (d) the interior of the receptacle and all fittings therein shall be so constructed, covered, or lined, as to prevent the exposure of any iron or steel, or of any hard or gritty surface, or the entry, detaching, or accumulating of grit, iron, steel or similar substance;
- (e) the interior of the receptacle shall be kept scrupulously clean; and
- (f) the receptacle shall have the word **EXPLOSIVES** conspicuously painted thereon in roman letters—in red on a black ground.

**Explosives Act—continued**

**1107.** Explosives kept on registered premises shall be kept in accordance with provincial laws or provincial or local regulations, and there shall not be kept on registered premises any explosive that is not an authorized explosive or an explosive of Class 5 (Fulminate).

**1108.** The quantity of the explosives that may be kept in registered premises shall not exceed the following or any less amount prescribed in the certificate of registration or by the provincial or local authority, namely

(a) in a detached store:

Explosives of Classes 1, 2, 3, and 4, in the aggregate—one hundred and seventy-five pounds;

Explosives of Division 3 of Class 6—six thousand detonators;  
Safety fuse—not limited.

(b) in suitable receptacles:

Explosives of Classes 1, 2, 3, and 4, in the aggregate—sixty pounds.

Explosives of Division 3 of Class 6—two thousand detonators;  
Safety Fuse—not limited,

but where a person is permitted to keep explosives both in a detached store and in a receptacle in the same premises, the total quantity so kept shall not exceed the maximum specified in paragraph (a) of this section for the detached store.

**1109.** When two or more classes of explosives are kept on the same premises they shall each be kept in separate stores or receptacles, so separated from one another as effectually to prevent fire or explosion in one communicating with the other, except that

(a) the various explosives of Class 1 (Gunpowder), Class 2 (Nitrate-mixture), Class 3 (Nitro-compound), Class 4 (Chlorate-mixture), safety fuse belonging to Division 1 of Class 6 (Ammunition), and such of the various explosives of Division 2 of Class 6 (Ammunition) as do not contain any exposed iron or steel, may be kept with each other without any intervening partition or space;

(b) The various explosives of Division 1 of Class 6 (Ammunition) may be kept with each other without any intervening partition or space;

(c) such of the various explosives of Division 2 of Class 6 (Ammunition) as contain exposed iron or steel may be kept with each other without any intervening partition or space;

(d) the various explosives of Division 3 of Class 6 (Ammunition) may be kept with each other without any intervening partition or space; and

(e) the various explosives of Class 7 (Fireworks) may be kept with each other without any intervening partition or space.

**1110.** (1) Every operator of registered premises shall keep a record of his receipts of all explosives, and also of his sales and issues, giving particulars of the persons from whom received and to whom issued, with the dates of each transaction together with the quantities and description of the explosive so transferred, and this record shall be open for inspection by an inspector or a peace officer as defined in the Criminal Code.



**Explosives Act—continued**

(2) Where an inspector reports that he is not satisfied with the form or manner in which any such record is kept by any person, the Chief Inspector of Explosives may deliver or cause to be delivered to such person a form of record and instruction as to the manner in which such record is to be kept, and from and after the receipt of such form and instructions such person shall keep the required record in the form and in accordance with the instructions so given.

**Part XII****REGULATIONS GOVERNING STORAGE AND HANDLING OF AMMUNITION AND FIREWORKS**

**1200.** No person shall keep any explosive, other than one belonging to Division 1 of Class 6 (Ammunition), on the same premises where explosives of Class 7 (Fireworks) are kept.

**1201.** (1) Subject to subsections two, three and four of this section the quantity of explosive of Division 2 of Class 7 (manufactured fireworks) and of Division 1 of Class 6 (Ammunition) that may be kept in any store or warehouse shall not exceed

(a) in a separate store or warehouse—

- (i) manufactured fireworks....two hundred and fifty pounds
- (ii) explosives contained in Ammunition  
of Division 1 of Class 6..... five hundred pounds

(b) in a container—

- (i) manufactured fireworks.... fifty pounds
- (ii) explosives contained in Ammunition  
of Division 1 of Class 6... five hundred pounds

(2) Where fireworks classed as “shop goods” are kept suitably separate from other manufactured fireworks or ammunition, three pounds of shop goods may be reckoned as one pound of manufactured fireworks.

(3) Shop goods to an amount not exceeding fifty pounds of the manufactured fireworks included in the quantities specified in subsection one of this section may be kept for sale or display in a box, glass case or other suitable receptacle, but due precaution shall be exercised to keep such shop goods separate from general goods and from Bengal matches, and the shop goods shall be protected from the direct action of the sun’s rays, and shall not be so kept for an unreasonable length of time.

(4) In no case shall the maximum quantity allowed to be kept in any premises exceed that permitted by provincial laws or regulations or municipal by-laws.

**1202.** Manufactured fireworks, in excess of the quantities specified in section twelve hundred and one of this Part shall not be kept otherwise than in a factory or magazine for explosives or in a magazine for fireworks licensed under the Act.

**1203.** In this Part, the expression “*separate store or warehouse*” means a store or warehouse that is

- (a) detached from any dwelling house, and situated at a safe distance from any highway, street, public thoroughfare or public place;

**Explosives Act—continued**

- (b) made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without;
- (c) exclusively used for the keeping of manufactured fireworks and ammunition belonging to Division 1 of Class 6 (Ammunition); and
- (d) well and substantially constructed of suitable material.

**1204.** In regard to any separate store the following provisions shall be observed:

- (a) the door of the store shall be of substantial construction and shall be kept securely closed and locked except when the store is required to be open for the receipt or issue of explosives, or for other necessary purpose;
- (b) adequate provision shall be made for the ventilation of the store;
- (c) the interior of the store shall be kept scrupulously clean;
- (d) any article or substance of a highly inflammable nature, or any article liable to cause fire or explosion, shall be kept at a safe distance from the store;
- (e) no fire, matches, oiled waste, iron, steel, grit, or any article liable to spontaneous ignition, or likely to cause explosion or fire, shall be taken into, or permitted to be at any time in the store, nor shall any lights be taken into or be permitted to be at any time in the store, other than electric lights or electric torches or other closed and protected lanterns that are not liable to cause fire or explosion on falling and are so designed and constructed that the flame or incandescent portion cannot come in contact with any material outside of the lantern;
- (f) all tools or implements kept or used in a store where explosives are present, or in opening, securing and removing packages containing explosives shall be made only of copper, bronze, brass, gun metal, or wood; and
- (g) the store shall have the word "EXPLOSIVES" clearly displayed thereon in large roman letters—in red on a black ground.

**1205.** In this part, the expression a "container" means a box or other suitable receptacle

- (a) that may be placed inside a building that is not itself adapted for the keeping of explosives;
- (b) that is kept in a part of the premises away from goods of an inflammable nature;
- (c) the location of which is not changed from that prescribed by an inspector or pursuant to provincial or municipal laws; and
- (d) that is of easy access for removal in case of fire.

**1206.** In regard to any container the following provisions shall be observed:

- (a) it shall be provided with a closely-fitting lid or door;
- (b) it shall be exclusively used for the keeping of manufactured fireworks of Division 2 of Class 7, or of explosive of Division 1 of Class 6 (Ammunition);
- (c) the interior of the container shall be kept scrupulously clean; and
- (d) the container shall have the word "EXPLOSIVES" conspicuously painted thereon in roman letters—in red on a black ground.

**Explosives Act—continued**

**1207.** (1) Except as provided in subsection two of this section, a person who lawfully has in his possession explosives of Division 1 of Class 6 (Ammunition) for other than his private use, shall keep a record of his receipts of all such explosives, and also of his sales and issues, showing the names and addresses of the persons from whom received and to whom issued, with the dates of each transaction together with the quantities and description of the explosive so transferred; and this record shall be open to inspection at any time by inspectors or a peace officer as defined in the Criminal Code.

(2) Such record is not required in respect of the sale or issue of safety cartridges for use in shotguns or of safety cartridges for use in rifles, pistols and revolvers with a diameter of bore less than twenty-three hundredths of an inch (0.23 calibre).

(3) Where any inspector reports that he is not satisfied with the form or manner in which any such record is kept by any person, the Chief Inspector of Explosives may deliver or cause to be delivered to such person a form of record and instructions as to the manner in which such record is to be kept, and from and after the receipt of such form and instructions such person shall keep the required record in the form and in accordance with the instructions so given.

**Part XIII**

REGULATIONS LIMITING THE AMOUNT OF AUTHORIZED EXPLOSIVES THAT MAY  
BE KEPT FOR PRIVATE USE AND NOT FOR SALE IN PLACES OTHER THAN  
LICENSED FACTORIES AND LICENSED MAGAZINES AND REGISTERED  
PREMISES AND PRESCRIBING THE MANNER IN WHICH IT  
SHALL BE HANDLED AND STORED IN SUCH PLACES

**1300.** Subject to this Part, explosives kept for private use, and not for sale, in any place other than a licensed magazine or licensed factory shall be kept in a detached store or a suitable receptacle as defined in this Part and the quantity of explosives so kept shall not exceed the maximum quantities prescribed by this Part.

**1301.** In this Part, the expression "detached store" means

- (a) a building well and substantially constructed of brick, stone, concrete, or other fire-resistant substance or of wood covered or treated with fire-resistant material;
- (b) an excavation in solid rock or earth; or
- (c) a bin well and substantially constructed of wood covered or treated with fire-resistant material,

which building, excavation or bin is

- (d) detached from any dwelling house, and situated at a safe distance from any highway, street, public thoroughfare, or public place;
- (e) made and closed so as to prevent unauthorized persons having access thereto, and to secure it from danger from without; and
- (f) exclusively used for the keeping of explosives.

**1302.** In regard to any detached store the following provisions shall be observed:

- (a) the door of the store shall be of substantial construction, and shall open outwards, and shall be kept securely closed and locked except



**Explosives Act—continued**

when the store is required to be open for the receipt or issue of explosives, or for other necessary purpose;

- (b) adequate provision shall be made for the ventilation of the store;
- (c) the interior of the store and all fittings therein shall be so constructed, covered, or lined, as to prevent the exposure of any iron or steel, or of any hard or gritty surface, or the entry, detaching or accumulating of any grit, iron, steel, or similar substance;
- (d) the interior of the store shall be kept scrupulously clean;
- (e) in the case of any explosive that is liable to be dangerously affected by water, such as those of Division 1 of Class 3, due precautions shall be taken to exclude water from the store;
- (f) any article or substance of a highly inflammable nature, or any article liable to cause fire or explosion shall be kept at a safe distance from the store;
- (g) no fire, lights, matches, oiled waste, iron, steel, grit, or any article liable to spontaneous ignition, or likely to cause explosion or fire shall be taken into, or permitted to be at any time in the store;
- (h) all tools or implements kept or used in a store where explosives are present, or in opening, securing or removing packages containing explosives shall be made only of copper, bronze, brass, gun metal or wood; and
- (i) the store shall have the word "EXPLOSIVES" clearly displayed thereon in large roman letters—in red on a black ground.

**1303.** In this Part, the expression "suitable receptacle" means a substantial receptacle,

- (a) that may be placed inside a building that is not itself adapted for the keeping of explosives;
- (b) the location of which is not changed from that prescribed by an inspector or under provincial or municipal law;
- (c) that is kept away from goods of an inflammable nature; and
- (d) that is of easy access for removal in case of fire.

**1304.** In regard to any receptacle the following provisions shall be observed:

- (a) it shall be provided with a closely fitting lid or door secured by a lock, and hinges and fastenings—preferably of copper or brass—and otherwise closed and secured so as to prevent unauthorized persons having access thereto, and shall be kept locked except when required to be open for receipt or removal of explosives, or other necessary purpose;
- (b) it shall be exclusively used for the keeping of explosive;
- (c) it shall be made of wood, copper, or other suitable material;
- (d) the interior of the receptacle and all fittings therein shall be so constructed, covered, or lined, as to prevent the exposure of any iron or steel, or of any hard or gritty surface, or the entry, detaching, or accumulating of grit, iron, steel or similar substance;
- (e) the interior of the receptacle shall be kept scrupulously clean; and
- (f) the receptacle shall have the word "EXPLOSIVES" conspicuously painted thereon in roman letters—in red on a black ground.

**Explosives Act—continued**

**1305.** When filling cartridges for small arms with explosives on private premises

- (a) the room in which the filling is carried on shall be detached from, but conveniently near to, the store or receptacle;
- (b) there shall not be in the room, in which such filling is being carried on, more than five pounds of explosives, unless it is made up into safety cartridges;
- (c) any work unconnected with the making of the cartridges shall not be carried on in the room while such filling is being carried on; and
- (d) there shall not be in the room while such filling is being carried on any fire or any artificial light, except a light of such construction, position, and character as not to cause any danger of fire or explosion.

**1306.** Explosives kept for private use shall be kept in accordance with provincial laws or provincial or local regulations and there shall not be kept on the same premises any explosive that is not an authorized explosive or an explosive of Class 5 (Fulminate).

**1307.** The quantity of the explosives that may be kept for private use and not for sale in any one place shall not exceed the following or any less amount prescribed by the provincial or local authority, namely—

- (a) in a detached store
  - (i) One hundred and fifty pounds of gunpowder, or, in lieu of a pound of gunpowder
    - (1) one pound of manufactured fireworks,
    - (2) two pounds of manufactured fireworks of the shop goods class,
    - (3) two pounds of small arm nitro-compound, or
    - (4) one pound of any other explosive;
  - (ii) two thousand detonators; and
  - (iii) five hundred pounds of explosives of Division 1 of Class 6 (Ammunition), in the reckoning of which one hundred and fifty rifle or one hundred and fifty shotgun or five hundred pistol cartridges or three hundred and fifty feet of safety fuse may be taken as the equivalent of one pound

except that a responsible person may keep such greater quantities, when required for immediate use, as for land clearing, mine prospecting or other like purposes, as may be authorized by provincial or local authority or, in unorganized districts, by a Justice of the Peace or a police officer;

- (b) in a suitable receptacle
  - (i) twenty-five pounds of gunpowder, with the substitutions permitted by subparagraph (i) of paragraph (a) of this section, but not more than ten pounds of blasting cartridges;
  - (ii) two hundred detonators; and
  - (iii) five hundred pounds of explosive of Division 1 of Class 6 (Ammunition)

except that where a person is permitted to keep explosive both in a detached store and in a receptacle in the same premises the total quantity so kept shall not exceed the maximum specified in paragraph (a) of this section.

**Explosives Act—continued**

**1308.** When two or more classes of explosives are kept on the same premises they shall each be kept in separate stores or receptacles, so separated from one another as effectually to prevent fire or explosion in one communicating with the other, except that

- (a) the various explosives of Class 1 (Gunpowder), Class 2 (Nitrate-mixture), Class 3 (Nitro-compound), Class 4 (Chlorate-mixture), safety fuse belonging to Division 1 of Class 6 (Ammunition), and such of the various explosives of Division 2 of Class 6 (Ammunition) as do not contain any exposed iron or steel, may be kept with each other without any intervening partition or space;
- (b) the various explosives of Division 1 of Class 6 (Ammunition) may be kept with each other without any intervening partition or space;
- (c) such of the various explosives of Division 2 of Class 6 (Ammunition) as contain exposed iron or steel may be kept with each other without any intervening partition or space;
- (d) the various explosives of Division 3 of Class 6 (Ammunition) may be kept with each other without any intervening partition or space; and
- (e) the various explosives of Class 7 (Fireworks) may be kept with each other without any intervening partition or space.

**Appendices to Explosives Regulations**

*Appendix      Form  
                    No.*

I	201-1	Form of Application for a Licence for a Factory or Magazine.
II	201-1A	Form of Application for a Temporary Magazine Licence.
III	303-1	Form of Application for Registered Premises.
IV	302-1	Form of Application to Import Explosives.
V	201-2	Schedule "A".
VI	201-3	Schedule "B".
VII	202-3	Schedule "C".
VIII	201-4	Schedule "D".
IX	202-1	Form of Factory Licence.
X	204-1	Form of Magazine Licence.
XI	204-11	Licence for Temporary Magazine.
XII	303-2	Form of Certificate for Registered Premises.
XIII	302-2	Form of Importation Permit.
XIV	302-6	Form of Special Importation Permit.
XV	302-4	Form of Importers' Transmission Schedule.
XVI	302-5	Form of Importation Receipt and Authorization.
XVII	202-2	Terms of Licence (Explosive Factory).
XVIII	204-2	Terms of Licence (Explosive Magazine).
XIX	204-12	Terms of Licence for a Temporary Magazine.
XX	303-3	Terms of Certificate for Registered Premises.
XXI	302-3	Terms of Importation Permit.



**Explosives Act—continued****APPENDIX I****BUREAU OF MINES  
EXPLOSIVES DIVISION**

CANADA

Form 201—1

**DEPARTMENT OF MINES AND RESOURCES  
MINES AND GEOLOGY BRANCH****FORM OF APPLICATION TO THE MINISTER OF MINES AND RESOURCES FOR A LICENCE FOR  
A FACTORY OR †MAGAZINE FOR EXPLOSIVES***Explosives Act, 10 George VI, Chap. 7.*

- (1) Applicant's Name  
     " Calling  
     " Address

**NOTE.**—In cases where the application is made on behalf of a Company, the name, business, and address of the Company, and the name of the Secretary, should be given.

- (2) Situation of the proposed Factory or Magazine.

Province  
 County  
 Township  
 Town or City

- (3) Explosives proposed to be stored or manufactured—

Class  
 Division (if any)  
 Name and Description

**NOTE.**—The class and division (if any) stated, should be in accordance with Part I, of the Explosives Regulations made under the Act.

- (4) Terms of Draft Licence containing the terms which the applicant proposes to have inserted, and specifying such of the matters stated in Section 11 of the Act as are applicable.

**NOTE.**—A draft licence must be attached to this application, and be accompanied by a plan of the proposed Factory† or Magazine†, and site of same, with the boundaries thereof drawn to scale.

The matters referred to in Section 11 of the Act, and required (as far as applicable) to be specified are as follows:

(a) a plan, satisfactory to the Minister, drawn to scale, of the proposed factory, magazine or premises and of the land on which such factory, magazine or premises is situated and of all buildings thereon or proposed to be erected thereon and also of the lands adjacent thereto and all buildings thereon with a statement of the uses to which such lands and buildings are put and the exact distances between the several buildings marked thereon;

(b) a description of the situation, character and construction of all buildings and works connected with the factory, magazine or premises and the maximum amount of explosive to be kept in each building;

(c) a statement of the maximum number of persons to be employed in each building in the factory, magazine or premises;

(d) in the case of an application for a factory licence, a statement of the maximum amount of explosive, and of ingredients thereof wholly or partially mixed to be allowed at any one time in any building, machine, or process of the manufacture, or within the distance from such building or machine which is limited by regulation;

(e) in the case of an application for a factory licence a statement of the nature of the processes to be carried on in the factory and each part thereof, and the place at which each process of the manufacture, and each description of work connected with the factory, is to be carried on, and the places in the factory at which explosives and anything liable to spontaneous ignition, or inflammable or otherwise dangerous, are to be kept; and

(f) any other information or evidence which the Minister may require.

THE REPLIES TO BE WRITTEN IN THIS  
COLUMN

Signature of Applicant.....  
 Postal address of Applicant.....  
 Date of Application.....

† Term not applicable to be deleted.

Explosives Act—continued

APPENDIX II

BUREAU OF MINES  
EXPLOSIVES DIVISION



CANADA

Form 201—1A

DEPARTMENT OF MINES AND RESOURCES

MINES AND GEOLOGY BRANCH

FORM OF APPLICATION TO THE MINISTER OF MINES AND RESOURCES FOR A LICENCE FOR A  
TEMPORARY MAGAZINE FOR EXPLOSIVES

Explosives Act, 10 George VI, Chap. 7.

- (1) Applicant's Name  
" Calling  
" Address

NOTE.—In cases where the application is made on behalf of a Company, the name, business and address of the Company and the name of the Secretary should be given.

- (2) Situation of the proposed magazine buildings.  
Province  
County  
Township  
City or Town

- (3) Explosives proposed to be stored (giving trade names).

- (4) Maximum quantity of explosive to be stored in the magazine buildings at any one time under the headings:

Blasting Explosives  
Safety Fuse  
Detonators

NOTE.—When more than one magazine is maintained for the storage of Blasting Explosives, give maximum quantity for each.

- (5) Minimum distance that will be observed between site of magazine and any place which employees or other persons may frequent as under:—

- (a) Highway or open place of resort.  
(b) Men's living quarters, workshops, place of work, public railways in operation.  
(c) Inhabited houses, church, hospital or other buildings in which people may be assembled.

NOTE.—For a quantity of 10,000 pounds, 110 yards should be observed for (a), 265 yards for (b), and 525 yards for (c), but for larger quantities the distance required as for (c) increases rapidly compared with the others.

For 50,000 pounds the corresponding distances would be approximately 150 yards for (a), 500 yards for (b), and 1,800 yards for (c). On the other hand where a substantial natural or artificial mound exists between the magazine and the building or place under consideration the distance may be reduced by half and in some cases still further. The actual distances will in all cases be filled in on presentation of this application, but the above particulars will indicate roughly, what would be required.

- (6) Extent of the ground to be maintained clear of bush around the magazines.  
(7) Nature of construction of magazine buildings or excavation, giving alternative description if permission to adopt more than one form is desired.  
(8) Nature of protection to be afforded from action by malicious persons whether by erection of fences, provision of watchmen or both.  
(9) Means of protection to be given against lightning where there is no adequate natural protection.

THE REPLIES TO BE WRITTEN IN THIS  
COLUMN

Signature of Applicant.....  
Postal address of Applicant.....  
Date of Application.....

Explosives Act—continued

APPENDIX III

BUREAU OF MINES  
EXPLOSIVES DIVISION



CANADA

Form 303—1

DEPARTMENT OF MINES AND RESOURCES  
MINES AND GEOLOGY BRANCH

FORM OF APPLICATION TO THE MINISTER OF MINES AND RESOURCES FOR A  
CERTIFICATE FOR REGISTERED PREMISES FOR EXPLOSIVES

Explosives Act, 10 George VI, Chap. 7.

<div>(1) Applicant's Name " Calling " Address</div> <p>NOTE.—In cases where the application is made on behalf of a Company, the name, business and address of the Company and the name of the Secretary should be given.</p> <div>(2) Situation of the proposed Registered Premises. Province City or Town Street Address</div> <div>(3) Kind of explosives to be stored. Give trade names.</div> <div>(4) Maximum quantity of blasting explosives proposed to be stored at one time (in pounds).</div> <div>(5) Maximum number of detonators, i.e., blasting caps, to be stored at one time. (Stored separately from blasting explosives.)</div> <div>(6) Nature of construction of detached store and receptacle in which blasting explosives will be kept.</div> <div>(7) Distance of detached store and receptacle (for blasting explosives) from nearest highway, street or public thoroughfare.</div> <div>(8) Distance of detached store and receptacle (for blasting explosives) from nearest public railway.</div> <div>(9) Distance of detached store and receptacle (for blasting explosives) from nearest building in which people may live, work, or assemble.</div> <div>(10) If blasting explosives are stored in a receptacle, in a building, state the nature of other contents of the building.</div> <div>(11) When detonators are stored in a receptacle, state place where such receptacle is kept.</div> <div>(12) Nature of protection to be afforded from action by malicious persons.</div>	<div>THE REPLIES TO BE WRITTEN IN THIS COLUMN</div>
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Signature of Applicant.....

Postal Address of Applicant.....

Date of Application.....



Explosives Act—continued

APPENDIX IV

BUREAU OF MINES  
EXPLOSIVES DIVISION  
OFFICIAL COPY



CANADA

Form 302-1

DEPARTMENT OF MINES AND RESOURCES

MINES AND GEOLOGY BRANCH

FORM OF APPLICATION TO THE MINISTER OF MINES AND RESOURCES FOR PERMISSION  
TO IMPORT EXPLOSIVE

*Explosives Act, 10 George VI, Chap. 7.*

<p>(1) Applicant's Name " Calling " Address</p> <p>NOTE.—In cases where the application is made on behalf of a company, the name, business and address of the company, and the name of the Secretary should be given.</p> <p>(2) Name and description of the explosive proposed to be imported.</p> <p>(3) Amount proposed to be imported at one time.</p> <p>(4) Place of the proposed importation. Province Port or Harbour Place</p> <p>NOTE.—The proposed place of unshipment or transshipment should be here stated.</p> <p>(5) Where proposed to be stored, or how otherwise disposed of.</p> <p>NOTE.—In the event of the applicant not having a licence for magazines or stores capable of receiving the whole amount to be imported, the application must be accompanied by a certificate from some occupier of a licensed magazine to the effect that he is prepared to receive this amount and store the same. This certificate is required also when the consignment is intended for immediate transshipment.</p> <p>(6) Name and address of the manufacturer of the explosive proposed to be imported.</p> <p>(7) From what foreign port or place shipment is expected to be made.</p> <p>(8) Name and address of the consignor of the explosive.</p> <p>(9) Name of the ship or boat in which the importation is to be made.</p> <p>NOTE.—The information should be given when practicable; where impracticable, state name of importing vessel "not known".</p> <p>(10) Probable (approximate) date of arrival of explosive at place of importation.</p> <p>(11) Remarks.</p>	<p>THE REPLIES TO BE WRITTEN IN THIS COLUMN</p>
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Signature of Applicant.....  
Postal Address of Applicant.....  
Date of Application.....

**Explosives Act**—*continued*

## APPENDIX V

BUREAU OF MINES  
EXPLOSIVES DIVISION

Form 201—2



CANADA

DEPARTMENT OF MINES AND RESOURCES  
 MINES AND GEOLOGY BRANCH  
 SCHEDULE "A"

*Explosives Act, 10 George VI, Chap. 7.*

Distinguishing number, letter, or name of building, mound or work on plan attached to licence	Construction of building, mound or work, and in the case of each building or work, the means adopted for protection from lightning

NOTE—A brief description should be given of the system of lighting adopted in the buildings, the latter being taken collectively, or in groups, or singly, as convenient.

## APPENDIX VI

BUREAU OF MINES  
EXPLOSIVES DIVISION

Form 201—3



CANADA

DEPARTMENT OF MINES AND RESOURCES  
 MINES AND GEOLOGY BRANCH  
 SCHEDULE "B"

*Explosives Act, 10 George VI, Chap 7.*

Any of the following Authorized Explosives:—

**Explosives Act—continued**

**APPENDIX VII**

**BUREAU OF MINES**  
**EXPLOSIVES DIVISION**

Form 202—3



CANADA

**DEPARTMENT OF MINES AND RESOURCES**

**MINES AND GEOLOGY BRANCH**

**SCHEDULE "C"**

*Explosives Act, 10 Geo. VI, Chap. 7.*

Distinguishing number, letter, or name of building, room, or place on plan attached to licence	Application of building, room, or place, or process to be carried on therein	Explosives allowed, or ingredients, or articles liable to spontaneous ignition or inflammable or otherwise dangerous, and limitation of quantity to be in each building, room, or place	Limitation of number of persons to be in each building, room, or place



Explosives Act—continued

APPENDIX VIII

BUREAU OF MINES  
EXPLOSIVES DIVISION



CANADA

Form 201—4

DEPARTMENT OF MINES AND RESOURCES  
MINES AND GEOLOGY BRANCH  
SCHEDULE "D"

DISTANCES TO BE MAINTAINED BETWEEN THE BUILDINGS OF THE \*FACTORY AND OTHER BUILDINGS AND WORKS OUTSIDE THE \*FACTORY

Explosives Act, 10 Geo. VI, Chap. 7.

Designation of Building or plan	Mineral or Private Railway, Highway, Public Footpath, Promenade, open place of resort for the public or for persons carrying on any trade or business: Canal, Navigable Water, Dock, River, Wall or Sea Wall, Pier, Jetty, Reservoir	Any Other Room or Workshop, Shop, Magazine or Store for Explosive, Furnace, Kiln or Fire for use of any boiler, engine or machine or for any manufacturing purpose	Public Railway	Dwelling house with the consent of the occupier	Dwelling house WITHOUT such consent, Factory not belonging to Government, Church or Chapel, University, College or School, Hospital, Public Institution, Town Hall, Court of Justice, Covered Market, Theatre or other building where persons are accustomed to assemble, Government Factory or Magazine WITH the consent in writing of the Government Department	Government Factory or Magazine WITHOUT the consent of the Government Department
	YARDS	YARDS	YARDS	YARDS	YARDS	YARDS

Provided that in the case of any building or work above mentioned which is so screened from the said buildings of the \*factory by the natural features of the ground, or by good and sufficient artificial mounds of earth, as not to be visible from any part of such buildings of the \*factory, the distances assigned above as that to be observed between such building or work and the said buildings, may be reduced by one-half. This proviso shall not apply to those buildings marked with an asterisk.

\* To be deleted and word "MAGAZINE" inserted when the schedule is used in connection with a Licence for a Magazine for explosives or application therefor.

**Explosives Act—continued**

**APPENDIX IX**

**BUREAU OF MINES**  
**EXPLOSIVES DIVISION**

Form 202—1



CANADA

**DEPARTMENT OF MINES AND RESOURCES**

**MINES AND GEOLOGY BRANCH**

**FACTORY LICENCE**

No.  
Registry No.  
Licensee's Name  
" Calling  
" Address  
  
Situation of the Factory { Province  
County  
Township  
City or Town

*Explosives Act, 10 George VI, Chap. 7*

IN PURSUANCE of the Explosives Act, the Factory at the above-named situation is hereby licensed for the manufacture of explosives subject to the provisions of the said Act, and of any Orders in Council, regulations, and rules made and to be made thereunder, and in force for the time being, and subject also to the terms hereunto annexed.

Issued by the Minister of Mines and Resources.

.....  
*Minister of Mines and Resources.*

Ottawa,  
day of

**APPENDIX X**

**BUREAU OF MINES**  
**EXPLOSIVES DIVISION**

Form 204—1



CANADA

**DEPARTMENT OF MINES AND RESOURCES**

**MINES AND GEOLOGY BRANCH**

**MAGAZINE LICENCE**

No.  
Registry No.  
Licensee's Name  
" Calling  
" Address  
  
Situation of the Magazine { Province  
County  
Township  
City or Town

*Explosives Act, 10 George VI, Chap. 7*

IN PURSUANCE of the Explosives Act, the Magazine at the above-named situation is hereby licensed for the storage of explosives subject to the provisions of the said Act, and of any Orders in Council, regulations and rules, made and to be made thereunder, and in force for the time being, and subject also to the terms hereunto annexed.

Issued by the Minister of Mines and Resources.

.....  
*Minister of Mines and Resources.*

Ottawa,  
day of

**Explosives Act—continued****APPENDIX XI****BUREAU OF MINES  
EXPLOSIVES DIVISION**

Form 204—11



CANADA

**DEPARTMENT OF MINES AND RESOURCES  
MINES AND GEOLOGY BRANCH****LICENCE FOR TEMPORARY MAGAZINE**

No.

Registry No.

Licensee's Name

" Calling

" Address

Situation of the Magazine	{	Province
		County
		Township
		City or Town

*Explosives Act, 10 George VI, Chap. 7.*

IN PURSUANCE of the Explosives Act, the Magazine at the above-named situation is hereby licensed for the storage of explosives subject to the provisions of the said Act, and of any Orders in Council, regulations and rules, made and to be made thereunder, and in force for the time being, and subject also to the terms hereunto annexed.

Issued by the Minister of Mines and Resources.

.....  
*Minister of Mines and Resources.*

Ottawa,

day of

**APPENDIX XII****BUREAU OF MINES  
EXPLOSIVES DIVISION**

Form 303—2



CANADA

**DEPARTMENT OF MINES AND RESOURCES  
MINES AND GEOLOGY BRANCH****CERTIFICATE FOR REGISTERED PREMISES**

No.

Registry No.

Registrant's Name

" Calling

" Address

Situation of Premises	{	Province
		City or Town
		Street Address

*Explosives Act, 10 George VI, Chap. 7.*

IN PURSUANCE of the Explosives Act this certificate authorizes explosives to be kept at the premises at the above-named situation, subject to the provisions of the said Act, and of any Orders in Council, regulations, and rules, made and to be made thereunder, and in force for the time being, and subject also to the terms hereunto annexed.

Issued by the Minister of Mines and Resources.

.....  
*Minister of Mines and Resources.*

Ottawa,

day of



**Explosives Act—continued**

**APPENDIX XIII**

**BUREAU OF MINES  
EXPLOSIVES DIVISION**



Form 302—2

**DEPARTMENT OF MINES AND RESOURCES  
MINES AND GEOLOGY BRANCH**

**IMPORTATION PERMIT  
EXPLOSIVES**

Permit No.

Licensee's Name  
" Calling  
" Address  
Place of Importation

*Explosives Act, 10 George VI, Chap. 7.*

IN PURSUANCE of the Explosives Act the person above named is hereby licensed to import explosive at the above-named place, subject to the provisions of the said Act, and of any Orders in Council, regulations, and the rules made, and to be made thereunder, and in force for the time being, and subject also to the terms hereunto annexed.

This permit is valid only for the person above named as Licensee.

..... day of.....

Issued by the Minister of Mines and Resources.

.....  
*Minister of Mines and Resources.*

Explosives Act—continued

APPENDIX XIV

BUREAU OF MINES  
EXPLOSIVES DIVISION

Form 302—6



DEPARTMENT OF MINES AND RESOURCES  
MINES AND GEOLOGY BRANCH

Special Permit No.....

SPECIAL IMPORTATION PERMIT  
EXPLOSIVES

Licensee's Name.....  
" Calling.....  
" Address.....  
Place of Importation.....

*Explosives Act, 10 George VI, Chap. 7.*

1. In pursuance of the power vested in me by the above-mentioned Act, and whereas a Special Importation Permit may be granted to facilitate the importation of certain explosive substances required in limited quantities, as raw materials for manufacturing purposes, but not for sale or use as explosives or fireworks except in respect to such articles as lights, flares, rockets and the like when required for use as signals in connection with the safe movement of ships or trains, or for photographic purposes, I the Hon. Minister of Mines and Resources, grant to the person above named as Licensee this Special Permit, authorizing him to import explosive at the above-named place, subject to the provisions of the said Act, and of any Orders in Council, by-laws, regulations, and rules made, and to be made thereunder, and in force for the time being, and subject also to the terms hereunder given.

- 2. This Permit is valid only for the person above named as Licensee.
- 3. The explosives which may be imported under this authority are:
- 4. The quantity of these explosives which may be imported in any one consignment shall not exceed
- 5. The two duplicate copies of this Special Permit shall be handed to the Customs Officer for his use and retention; the original copy shall be held by the importer for use as described in paragraph 6 below.

6. The number of importations shall be unlimited, but the date of each importation, the Customs Entry number, the consignor's name and the quantity imported shall be entered on the form at the back of this permit endorsed by the proper officer of the Customs, and the permit so completed shall be returned to the Chief Inspector of Explosives, Department of Mines and Resources, Ottawa, immediately on the expiry of the period for which it is valid.

7. The permit will be valid to 31st December, 19... unless revoked by the Minister of Mines and Resources prior to that date, which right of revocation at any time is reserved.

.....day of.....

Issued by the Minister of Mines and Resources.

.....  
*Minister of Mines and Resources.*

DEPARTMENT OF MINES AND RESOURCES  
EXPLOSIVES DIVISION

CANADA  
IMPORTERS TRANSMISSION SCHEDULE

This Form should be filled up as each Importation is effected, and returned immediately on the close of the period for which the Special Permit is valid, to the Chief Inspector of Explosives,  
Department of Mines and Resources, Ottawa.  
*Explosives Act, 10 George VI, Chap. 7.*

[illegible]

Signature of Importer.....  
Address of Importer.....  
Date.....



## Explosives Act—continued

## APPENDIX XV

Form 302-4

BUREAU OF MINES  
EXPLOSIVES DIVISIONDEPARTMENT OF MINES AND RESOURCES  
MINES AND GEOLOGY BRANCH

CANADA

## IMPORTERS TRANSMISSION SCHEDULE

This form to be filled up as soon as the Importation of Explosive is effected, and returned with the Permit, forthwith, to the Chief Inspector of Explosives, Department of Mines and Resources, Ottawa

Explosives Act, 10 George VI, Chap. 7.

PERMIT UNDER WHICH THE IMPORTATION IS MADE	PORT OR PLACE OF IMPORTATION	IF BY WATER, NAME OF SHIP IN WHICH THE IMPORTATION IS MADE	DATE OF ARRIVAL AT PORT OR PLACE OF IMPORTATION	NAME AND ADDRESS OF		PORT OR PLACE FROM WHICH THE EXPLOSIVE WAS FORWARDED	NATURE OF THE EXPLOSIVE IMPORTED AND MARKS ON CASES	AMOUNT OF THE EXPLOSIVE IMPORTED (GROSS WEIGHT, Lb.)	WHERE THE EXPLOSIVE HAS BEEN TAKEN INTO STORE*
				CONSIGNOR	MANUFACTURER				
No. _____									
DATE _____									

Signature of Importer.....  
 Address of Importer.....  
 Date.....

\*Where the explosive has been imported for immediate trans-shipment abroad, particulars of the route (name of ship if by sea) by which the exportation is made, and date of despatch should be given in this column.

**Explosives Act—continued**

**APPENDIX XVI**

**BUREAU OF MINES**  
**EXPLOSIVES DIVISION**

Form 302—5



**DEPARTMENT OF MINES AND RESOURCES**  
**MINES AND GEOLOGY BRANCH**

**IMPORTATION RECEIPT AND AUTHORIZATION**

TO.....

Dear Sir,—

I beg to acknowledge receipt of Importation Permit No.....with copy of terms attached (Form 302-3); issued to you to cover importation of explosives therein specified, and of your report on Form 302-4 advising me of the said explosives having been placed in store.

I would inform you that the explosives as described in your report may now be distributed by you for any legitimate use or purpose.

Yours truly,

.....  
*Chief Inspector of Explosives.*

**Explosives Act—continued****APPENDIX XVII****BUREAU OF MINES  
EXPLOSIVES DIVISION**

Form 202—2

**DEPARTMENT OF MINES AND RESOURCES  
MINES AND GEOLOGY BRANCH  
TERMS OF LICENCE  
(EXPLOSIVES FACTORY)**

*Explosives Act, 10 George VI, Chap. 7.*

The following are the terms annexed to the Licence.....No.....  
dated.....for an Explosives Factory:—

1. The site of the Factory shall be that shown on the plan signed by an Inspector, and attached hereto.

2. The mounds, buildings, and works on or connected with the Factory shall be on the sites shown on said plan and their construction shall be as set forth in Schedule "A" attached hereto.

3. If the distance between any danger building and any building of the Factory is less than that shown on the said plan, the quantity of Explosives present in such danger building shall be Nil, or such quantity as an Inspector may from time to time prescribe in writing, notwithstanding anything contained in any other term of the Licence.

4. The explosives for which authority to manufacture is given under this Licence are detailed in Schedule "B" attached hereto.

5. The processes to be carried out in each part of the Factory, and the place at which each such process is to be carried on, shall be those set forth in Schedule "C" attached hereto, but the occupier of the Factory may in a case of emergency, temporarily use one building or part of a building in which any process of the manufacture is, under the terms of the Licence, carried on, for another process of the manufacture, if he does not carry on in such building or part more than one process at the same time, and if the quantity of explosives or ingredients thereof in such building or part does not exceed the quantity to be therein, or any less quantity allowed to be in the building or part of the building in which such other process is usually carried on; but immediately upon such use being commenced, he shall send notice of such use to an Inspector of Explosives, and he shall immediately discontinue such use if the Inspector so requires.

6. The limitations and applications set forth in Schedule "C" attached hereto shall be duly observed, except that the limitation of the number of persons specified in the said Schedule "C" does not include those who in the course of their duties may require to visit the building.

7. The distances to be maintained between the buildings of the factory and such buildings and works outside the factory as are specified in Schedule "D" attached hereto, shall be those set forth in the said schedule.

8. All Special Rules relating to the factory made by the Minister under the Explosives Regulations shall be posted in suitable places for the information of all concerned.

9. Special Rules drawn up by the occupier, designed to secure the observance of the provisions of the Act and of conditions of safety, and the maintenance of proper discipline in the Factory, shall be submitted for the approval of the Chief Inspector of Explosives, and shall thereafter be posted in suitable places for the information of all concerned.

10. Good and sufficient means of escape for all persons employed in any danger building or in any building in which any wholly or partially manufactured explosive is present or is liable so to be, shall be provided and maintained in connection with each such building.

11. Reports shall be rendered to the Chief Inspector of Explosives immediately on the occurrence of any accidents which may arise in the factory and which involve the ignition of any explosive material whether or not accompanied by injury to personnel or damage to material.

These reports should not be delayed for investigation as to cause, but it is essential that immediate advice be given of the actual occurrence of any such accident.

12. If for any reason the operation of the factory be discontinued, temporarily or otherwise, the licensee shall notify the Chief Inspector of Explosives in writing, of such discontinuance, and if such discontinuance be other than of a temporary nature permitting the period of cessation to be stated, notification shall similarly be made of intention to resume operations prior to effect being given thereto, and when possible not less than two weeks before the commencement of manufacturing operations.

13. This Licence shall be valid for the duration of the year.....

**Explosives Act—continued**

**APPENDIX XVIII**

**BUREAU OF MINES  
EXPLOSIVES DIVISION**

Form 204—2



**DEPARTMENT OF MINES AND RESOURCES**

**MINES AND GEOLOGY BRANCH**

**TERMS OF LICENCE**

**(EXPLOSIVES MAGAZINE)**

*Explosives Act, 10 George VI, Chap. 7.*

The following are the terms annexed to Licence No.....dated.....  
for Explosives Magazine:—

1. The site of the magazine shall be that shown on the plan signed by an Inspector, and attached hereto.

2. The mounds, buildings, and works, on or connected with the magazine, shall be on the sites shown on the said plan....., and their construction shall be set forth in the Schedule "A" attached hereto.

3. The explosives for which authority to store in the magazine is given in the licence are detailed in Schedule "B" attached hereto.

4. The distances to be maintained between the buildings and works in or connected with the magazine, and between these and such buildings and works outside the magazine as are specified in Schedule "D" attached hereto, shall be those set forth in the said schedule.

5. The quantity of explosive in the magazine shall not at any one time exceed—of explosive other than detonators or electric detonators—.....pounds, and of explosive contained in detonators and electric denotators.....pounds, reckoned in the proportion of not less than 2½ pounds per thousand detonators or electric detonators.

6. No explosive other than detonators or electric detonators or electric fuses shall at any time be present in the portion of the magazine marked..... on the said plan, lettered B, and no detonators or electric detonators or electric fuses shall at any time be present in the portion of the magazine marked..... on the same plan.

7. All Special rules relating to the magazine made by the Minister under the Explosives Regulations shall be posted in suitable places for the information of all concerned.

8. Report shall be rendered to the Chief Inspector of Explosives, immediately on its occurrence, of any fire affecting the magazine, or of any accident which may take place in the magazine involving the ignition or explosion of any explosive material.

9. Report shall also be rendered in the event of the magazine being broken into, or of any theft of explosives from the magazine.

10. This Licence will be valid for the duration of the year 19.....



**Explosives Act—continued****APPENDIX XIX**

**BUREAU OF MINES**  
**EXPLOSIVES DIVISION**



CANADA

Form 204—12

**DEPARTMENT OF MINES AND RESOURCES**  
**MINES AND GEOLOGY BRANCH**

**TERMS OF LICENCE FOR A TEMPORARY MAGAZINE**

*Explosives Act, 10 George VI, Chap. 7.*

The following are the terms annexed to Licence No. .... dated. ....  
 or a temporary magazine for explosives:—

1. The location of the magazine, the nature of its construction, the nature and quantity of explosive which may be stored in it, shall be approved in the form of application and countersigned by one of the Inspectors, and all the undertakings given in the form of application shall be duly observed.

2. Different explosives of Classes\* 1, 2, 3 and 4 (which include all authorized explosives in general use for blasting), safety fuses belonging to Division 1 of Class 6, and such of the various explosives of Division 2 of Class 6, as do not contain any exposed iron or steel, may be kept in the same temporary magazine, building or excavation without intervening partition, but these explosives may not be so kept with those of any other class or division.

3. The various explosives of Division 1 of class 6, or those of Division 2 of Class 6 as contain any exposed iron or steel, or those of Division 3 of Class 6 (e.g. Detonators)†, or those of Class 7 may be kept with each other, but not those of any one of these Divisions or Classes with those of any of the others.

4. No explosives of Class 5 (Fulminate) will be kept in the same temporary magazine building or excavation with any other explosive.

5. The Licensee shall issue to his employees, and shall take measures to ensure their proper observation of the same, instructions designed to:

- (a) prevent the entry of the magazine by any unauthorized person.
- (b) prevent the taking into the magazine of any matches, charcoal, oiled waste or any other article liable to spontaneous ignition, or of any iron or steel tools,
- (c) ensure the maintenance of the interior of the magazine in a clean condition and free from grit,
- (d) provide for the thawing of explosives in a safe manner, and,
- (e) in general, to ensure the observance of proper discipline and the exercise of proper care on the part of those persons whose duties require them at any time to be in or near the magazine, as well as to prevent trespassing or interference on the part of unauthorized persons.

6. This Licence shall not be valid after. ....

---

\* The classification of explosives is given in Part I, of the Explosives Regulations.

† It will be noted that detonators are to be stored in separate buildings or excavations from blasting explosives, and in such a manner that the explosion of the detonators would not be communicated to the other explosives.

**Explosives Act—continued**

**APPENDIX XX**

**BUREAU OF MINES  
EXPLOSIVES DIVISION**

Form 303—3



CANADA

**DEPARTMENT OF MINES AND RESOURCES  
MINES AND GEOLOGY BRANCH**

**TERMS OF CERTIFICATE FOR REGISTERED PREMISES**

*Explosives Act, 10 George VI, Chap 7.*

The following are the terms annexed to Certificate No.....dated.....  
for Registered Premises.

1. The site of the registered premises shall be that shown on the plan signed by an Inspector, and attached hereto.

2. The explosives, for which authority to store in the registered premises is given in the certificate, are detailed in the application attached hereto.

3. The quantity of blasting explosives in the registered premises shall not at any one time exceed.....pounds; and of detonators and electric detonators.....

4. No explosive other than detonators or electric detonators or electric fuses shall at any time be present in the portion of the registered premises marked.....on the attached plan, and no detonators or electric detonators or electric fuses shall at any time be present in the portion of the registered premises marked.....on the same plan.

5. All special rules relating to the registered premises made by the Minister under the Explosives Regulations shall be posted in suitable places for the information of all concerned.

6. Report shall be rendered to the Chief Inspector of Explosives, immediately on its occurrence, of any fire affecting the registered premises, or of any accident which may take place in the registered premises involving the ignition or explosion of any explosive material.

7. Report shall also be rendered in the event of the registered premises being broken into, or of any theft of explosives from the registered premises.

8. This Certificate shall be valid until the First day of April, 19.....

**Explosives Act—concluded****APPENDIX XXI**

**BUREAU OF MINES**  
**EXPLOSIVES DIVISION**



Form 302—3

**DEPARTMENT OF MINES AND RESOURCES**  
**MINES AND GEOLOGY BRANCH**

**TERMS OF IMPORTATION PERMIT**

*Explosives Act, 10 George VI, Chap 7.*

The following are the terms annexed to the Importation Permit No.....dated.....

1. No explosives shall be imported under this Permit other than the following:
2. The quantity of explosive so imported shall not exceed:
3. All explosives imported under this Permit shall be packed in accordance with the regulations for the Transportation of Explosives as issued by the Board of Transport Commissioners for Canada, unless the shipment has been made from the United Kingdom, and the explosive is packed in conformity with the laws of the United Kingdom.
4. No ship or boat containing explosive imported in virtue of this licence shall bring to or moor, and no such explosive shall be unloaded or trans-shipped from any ship or boat, except at such port or part of the place of importation as may be appointed or authorized for that purpose by the Local Authority having jurisdiction over such place of importation.
5. The Importer and also—if the explosive is imported by ship or boat—the Owner and Master of the ship or boat in which any explosive is being imported in virtue of this Permit, shall, when required by an Inspector, or by an Officer appointed by the Local Authority, having jurisdiction over the place of importation, or by any officer of the Commissioner of Customs, produce to him this Permit and furnish such Inspector or Officer with the means necessary to enable him to ascertain whether the conditions of the same are complied with; and shall, when required by any Inspector or officer as aforesaid, open, or cause to be opened, any case or package imported under this Permit, for the purpose of examination or for the taking of samples by such Inspector or Officer, and shall repack, or cause to be repacked, every case so opened, using all due care and precautions in the opening and repacking of the same for the prevention of accidents.
6. The Importer and also—if the explosive is imported by ship or boat—the Owner and Master of the ship or boat in which any explosive is being imported in virtue of this permit, shall if, and when, required by an Inspector, or by an Officer appointed by the Local Authority having jurisdiction over the place of importation, or by any Officer of the Commissioner of Customs, allow such Inspector or Officer to take for examination small samples of any explosive so imported.
7. The Importer shall furnish a correct copy of this Permit to the Owner and Master of any ship or boat in which explosive is imported in virtue thereof, before any such importation is made.
8. As soon as the explosive has been received by the Importer and deposited by him in a magazine or other approved place of storage, the Importer will complete the attached form and forward it together with the original Permit to the Chief Inspector of Explosives, and the Importer will receive from the Chief Inspector of Explosives a notice that the explosives may be distributed for use unless the latter finds it necessary to withhold that permission.
9. The duration of this Permit shall be six calendar months, unless the Minister of Mines and Resources shall revoke the same before the expiration of that period; and this Permit is valid for one importation only whether or not the full amount authorized above is so imported.
10. The Minister of Mines and Resources reserves to himself the right to revoke this Permit, at any time.

**EXPORT ACT. (R.S.C., 1927, c. 63)**

*See also* EXPORT AND IMPORT PERMITS ACT; EXPORT CREDITS INSURANCE ACT;  
GOLD EXPORT ACT.

No statutory orders or regulations under this Act were in effect on December 31, 1949.

**EXPORT AND IMPORT PERMITS ACT. (1947, c. 17)**

1. *The export permit regulations.*
2. *List of goods requiring import permit.*
3. *List of goods requiring export permit.*
4. *List of countries to which section 5 shall apply.*

**1. The Export Permit Regulations**

P.C. 6560

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Export Permit Regulations established by Order in Council P.C. 3594 of 20th July, 1949, require amendment and it is desirable that the said Regulations be consolidated as amended.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by The Export and Import Permits Act, chapter 17 of the Statutes of 1947, is pleased to order as follows:

1. The Export Permit Regulations established by Order in Council P.C. 3594 of 20th July, 1949, are hereby revoked; and

2. The annexed "Export Permit Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**EXPORT PERMIT REGULATIONS**

**NECESSARY PERMITS**

1. (1) Except as provided in sections 7 to 14, inclusive, of these regulations, a permit under these regulations must be obtained for the export to any country of any goods included from time to time in a list of goods established pursuant to subsection (1) of section 3 of the Export and Import Permits Act.

(2) Except as provided in sections 7 to 14, inclusive, of these regulations, a permit under these regulations must be obtained for the export



**Export and Import Permits Act—continued**

of any goods to any country included from time to time in a list of countries established pursuant to subsection (2) of section 3 of the Export and Import Permits Act.

(3) The Export Permit Branch of the Department of Trade and Commerce may issue general permits entitling classes of persons described therein to export such goods on such terms and conditions as may be specified therein.

**FORM OF APPLICATION FOR PERMIT**

2. (1) An application for an export permit shall be made on a form provided by the Department of Trade and Commerce. The forms are procurable from the Export Permit Branch of such Department or from any Customs office. All information concerning the regulation of exports may be obtained from such Export Permit Branch.

(2) Every application must be made by an individual permanently resident in Canada or by a firm or corporation having its head office in Canada or operating a branch office in Canada.

(3) The form of application must be completed in all respects. Seven copies of the completed application must be forwarded to the Export Permit Branch (except in the case of forestry products, flour and grains and grain products, as to which see sections 5 and 6). Copies numbers 1 and 5 must be signed by the applicant or by his agent.

**INFORMATION IN APPLICATION FOR PERMIT**

3. (1) All information required by the form of application shall be furnished therein. In particular, the following information shall be furnished in the application:

*Description*—The application must contain a description of the commodity concerned in sufficient detail to permit its proper classification. Trade names and technical names which do not describe the commodity should not be used.

*Value*—The stated value of the commodity must be its selling price, f.o.b. factory or first shipping point in Canada.

*Ultimate destination*—The application must show the country of ultimate destination of the goods described in the application.

*Port of Exit*—If the port of exit is not known at the time of making the application for permit, the nearest Customs office should be shown in the application.

*Consignee and end use*—If the Export Permit Branch so requires, the application must show

- (a) the name and address of the consignee to whom the goods described in the application are to be exported, and
- (b) the use to which such goods are intended to be put in the country of ultimate destination.

(2) An applicant for an export permit shall furnish to the Export Permit Branch such further information as such Branch may require.

**Export and Import Permits Act—continued**

CHEESE

4. Applications for permits to export cheese must contain, in addition to the information required on the application form, information as to the kind, style and grade of cheese.

FORESTRY PRODUCTS

5. (1) Applications for permits to export pulpwood, in addition to the information called for on the form of application for permit, must contain the following information and be submitted on special forms provided for this purpose:

- (a) details of contracts, that is, date, number of cords of different species and preparation (rough or peeled), name and address of mill;
- (b) definite information as to whether the wood has been produced or is to be produced;
- (c) in the case of applications from Ontario, a statement as to whether the wood was cut on Crown lands or private lands;
- (d) the period over which the wood is to be shipped.

A separate application should be submitted for each species (spruce and balsam may be grouped as one).

A separate application should be submitted for each preparation, that is, rough or peeled.

(2) Applications for export permits to export logs, originating in the Vancouver Forest District of British Columbia should be submitted to the Assistant Timber Controller for British Columbia, 410 Seymour Street, Vancouver, B.C.

Applications for export permits to export logs (other than pulpwood) produced in Alberta, British Columbia (other than in the Vancouver Forest District), Manitoba or Saskatchewan should be forwarded to the Regional Representative of the Timber Control, Credit Foncier Building, Edmonton, Alberta.

Exporters in the Maritimes, desiring to export logs (other than pulpwood), should submit applications for export permits to the Assistant Timber Controller for the Maritimes, 162 Prince William Street, Saint John, N.B.

Applications for export permits for export of logs and pulpwood originating in Newfoundland should be forwarded to the Deputy Minister of Natural Resources, St. John's, Newfoundland.

All other applications for export permits for export of logs should be forwarded to the Export Permit Branch, Department of Trade and Commerce, Ottawa.

(3) Exporters must give the following information when submitting applications for export permit:

- (a) on the face of the export permit application form—
  - Column 1: Show number of feet board measure,
  - Column 2: Show species and grades,
  - Column 4: Show invoice value f.o.b. shipping point;

**Export and Import Permits Act—continued**

- (b) in the case of applications from Ontario for the export of veneer logs, a statement is required indicating whether they were cut on Crown lands or private lands.

**FLOUR, CEREAL AND BAKERY PRODUCTS, GRAINS AND GRAIN PRODUCTS**

6. (1) Applications for permits to export flour or any alimentary paste product should be submitted to the Canadian Wheat Board, 423 Main St., Winnipeg, Manitoba, with the exception of ship or aircraft stores as to which see section 14.

(2) Applications from the provinces of Alberta, British Columbia, Manitoba and Saskatchewan for permits to export grains and grain products or cereal and bakery products other than flour or alimentary paste products should be submitted to the Canadian Wheat Board at the following address:

British Columbia—Marine Building, Vancouver, B.C.

Alberta, Manitoba or Saskatchewan—423 Main St., Winnipeg, Man.

(3) Applications from any province other than Alberta, British Columbia, Manitoba or Saskatchewan to export grains or grain products or cereal and bakery products other than flour or alimentary paste products should be submitted to the Export Permit Branch, Department of Trade and Commerce, Ottawa.

**EXEMPTIONS FROM PERMIT**

7. *Shipments not exceeding \$5 in value*—No export permit is required for a shipment of \$5 or less in value by common carrier, except in the case of the following feeds if shipped from British Columbia, Ontario, Quebec, New Brunswick, Nova Scotia or Prince Edward Island:

- (a) screenings of any grain or flaxseed,
- (b) wheat bran, wheat shorts or wheat middlings,
- (c) wheat, grade 4 or lower,
- (d) oats, barley or any combination or mixture of them or either of them with any other feed grain, whole or ground,
- (e) wheat germ or wheat germ middlings.

8. *Casual gifts*—Except as provided in section 7, an export permit is not required for goods shipped by common carrier as a casual gift to the consignee for his personal use and not exceeding \$25 in value.

9. *Shipments for repair or return or on shuttle service*—Export permits are not required for shipment of the following from Canada to any country:

- (a) articles for repair, adjustment or test, if they qualify for export under current Customs Export Entry Form E-23;
- (b) articles returned for replacement on the ground that these articles were received in a defective condition or not according to order, if they qualify for export under Customs Export Entry Form E-15;
- (c) containers on a shuttle service, which are to be returned to Canada within six months from the date of export, if complying in every other respect with the regulations of the Department of National Revenue (Customs Division), as set forth in its Memorandum Series D. No. 49 T.M.R. No. 1, Second Revision, of September 5, 1946;



**Export and Import Permits Act—continued**

- (d) articles exported temporarily for photographing or display purposes and which are to be returned to Canada, if complying fully in every respect with the regulations of the Department of National Revenue (Customs Division), contained in a Memorandum Series D. No. 49, T.M.R. No. 1, Second Revision, of September 5, 1946.

**10. Government Orders**—Export permits are not required for any goods

- (a) consigned to Canadian Embassies, Canadian Legations, the offices of Canadian High Commissioners, Canadian Consular offices, the offices of Canadian Government Trade Commissioners, or to official representatives of the Government of the United Kingdom or their order; or
- (b) ordered, diverted or exported by the Canadian Commercial Corporation, the Department of National Defence, the Department of Trade and Commerce, the United Kingdom Ministry of Food, or the United Kingdom Board of Trade.

Exporters shipping under the above provisions should endorse their Export Entry Form B-13-B as follows: "This shipment is made under Section 10 of the Export Permit Regulations by/for/to/on behalf of ..... " (insert name of Government Department or Agency concerned as specified in this Section).

**11. Purchases by Non-resident Tourists**—Of the goods that are subject to export permit, export permits are not required for casual purchases by non-resident tourists having a total value up to \$400 and consisting of goods normally carried in the tourist's baggage or passenger automobile, provided that

- (a) neither foodstuffs nor building supplies may exceed \$25 in total value, and
- (b) this exemption shall not apply to strategic materials, not normally purchased by tourists, specified in instructions by the Export Permit Branch to Customs officers.

If the purchases are by United States tourists and are forwarded to the United States by freight or express, or by any mode of transportation other than with the departing tourist, the Export Entry Form B-13-B must be endorsed "*bona fide* tourist purchase", and be accompanied by a United States Customs Declaration Form 6059 or Form 3340 properly endorsed, in order that the goods may be allowed to proceed without an export permit.

**12. Personal and Settler's Effects**—Export permits are not required for the following classes of goods when taken or shipped by an individual on change of domicile, solely for the use of himself or of his immediate family and not for resale;

- (a) household articles;
- (b) personal effects;
- (c) articles of business equipment, instruments, tools of trade or machinery which have been used by him in his occupation or employment, which are his personal property and which will continue to be used by him in his occupation or employment.

**13. Shipments in Transit in Bond**—Goods in transit in bond on a through journey on a billing originating outside Canada, clearly indicating



**Export and Import Permits Act—continued**

the ultimate destination of the goods to be a third country, may be exported from Canada without permit if such ultimate country of destination is not changed.

Without such through billing an export permit is required unless otherwise provided in these regulations.

**14. *Ship and Aircraft Stores***—Export permits are not required for normal supplies exported from Canada as ship or aircraft stores, except wheat flour, macaroni and other alimentary paste products. Application for permits to export these items should be made to the Collector of Customs at the port of loading.

**APPROVED APPLICATION IS NON-TRANSFERABLE PERMIT**

**15. (1)** When an application has been approved by or on behalf of the Minister of Trade and Commerce, the application becomes a permit and no alteration may be made therein except by or on behalf of the Minister of Trade and Commerce. Four copies of the permit will be retained for the use of the Export Permit Branch, one copy will be sent direct to the Collector of Customs indicated on the application form, and two copies will be sent to the exporter—one for his files and the original to be delivered by him to the carrier to be firmly attached to the waybills accompanying the shipment to the Canadian port of exit, or submitted to the local Collector of Customs for validation of the Export Entry Form B-13-B.

(2) No person to whom a permit has been issued shall transfer it to any other person or allow any other person to use such permit for the export of any goods; and no person shall export or attempt to export any goods under a permit issued to another person.

**EXPORT PERMIT AND EXPORT ENTRY TO AGREE**

**16. (1)** The export permit number must be shown on the shipper's export entry. The export entry must contain the same information with regard to the consignee, the ultimate destination, description, quantity and value of the goods to be exported as that which appears on the export permit. In the case of logs, the export entry must show the quantity in board measure only.

(2) *Tolerance*—It is realized that, at the time of application for an export permit, the exporter cannot always know the exact quantity and value of goods to be exported. To meet such cases, a tolerance of 10 per cent by quantity or value over the amount specified in the permit is allowed except in regard to radioactive elements, substances and products and in regard to goods to which section 21 applies.

**PARTIAL SHIPMENTS**

**17.** If it is proposed to export the goods covered by any one application in a series of shipments spread over the life of the permit, the exporter must state this intention in his application and give the name and address of his nearest Customs Office. On making his first shipment, the exporter must then present to that Customs Office the original copy of the export permit, together with the relevant Export Entry Form B-13-B upon which the Collector of Customs will endorse the export permit number and indicate the expiry date of the export permit. The Collector of Customs at the clearance

## Export and Import Permits Act—continued

port will retain the export permit but return the Export Entry Form B-13-B (duly stamped and bearing the expiry date of the export permit) which must then accompany the shipment to the port of exit where the Collector of Customs at that point will permit export. Subsequent partial shipments under the permit must be dealt with in a similar manner.

### PERMITS VALID FOR SPECIFIED PERIOD

**18.** Export permits are valid only until the expiry date specified in the permit. If movement from the last point of lading, as shown by the waybill, has been made prior to the expiry date stamped on the export permit and recorded on the relevant Export Entry Form B-13-B, the shipment will be allowed to proceed under the original permit, regardless of the fact that the shipment has not reached the port of exit. Favourable consideration may be given to a request for an extension if this request is received prior to the expiry date on the permit and if it is shown that it has been impossible to complete the shipment due to factors beyond the control of the exporter.

### EXTENSION OF PERMIT

**19.** When application is made for an extension of the expiry date, the permit must be returned to the Export Permit Branch for endorsement of the extension. If partial shipments have been made against a permit, the exporter's file copy of the original permit must be returned with a record of shipments made against it.

### PARCEL POST

**20.** An export permit must be obtained, in advance of mailing, for all parcel post shipments of goods that are subject to export permit and are valued at more than \$5, except as provided elsewhere in these regulations. The exporter will be furnished with three copies of the permit all of which are to be stamped by the postal official accepting the shipment for transmission. One stamped copy will be returned to the shipper for his files, one copy will be mailed by the postal official to the nearest Collector of Customs and one copy will be retained by the Postmaster. This procedure, however, will not relieve the exporter from filing the usual export entry.

### REFUND OF SUBSIDY OR PECUNIARY BENEFIT

**21.** A sum, specified from time to time by the Minister of Trade and Commerce and representing in his opinion the pecuniary benefit which has accrued to the applicant as a result of the payment of subsidy or any other advantage conferred by or pursuant to the regulation of domestic prices, shall be remitted by each applicant for a permit to export such goods as may from time to time be designated by the Minister. Remittance of such sum shall be payable to such person as the Minister may designate and shall be attached to each application for a permit to export such goods unless the Export Permit Branch authorizes the applicant to remit monthly with monthly statement.

### LOST PERMITS

**22.** No export permit that has been lost or destroyed will be replaced or re-issued until an affidavit is made by the applicant and filed with the Chief of the Export Permit Branch, stating that the original permit has been lost

**Export and Import Permits Act—continued**

or destroyed and undertaking that, in the event of the original permit being found, the applicant will immediately return it to the Chief of the Export Permit Branch.

## AMENDMENT AND CANCELLATION OF PERMITS

23. Any permit issued or granted under these regulations may be amended or cancelled by or on behalf of the Minister in such circumstances and manner as he deems proper.

**2. List of goods requiring an import permit**

P.C. 6274

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 13th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by The Export and Import Permits Act, chapter 17 of the Statutes of Canada, 1947, is pleased to order as follows:

1. Order in Council P.C. 1892 of 14th May, 1947, as amended, establishing a list of goods to which section six of The Export and Import Permits Act shall apply, is hereby revoked; and

2. The list of goods in the Schedule hereto is hereby established as the list of goods to which section six of The Export and Import Permits Act shall apply.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

## SCHEDULE OF GOODS REQUIRING AN IMPORT PERMIT

<i>Tariff Item</i>	<i>Description</i>
62, 63	Rice
373	Scrap of iron or steel:
	(a) wrought, being waste or refuse, to be remelted in furnaces or cupolas;
	(b) cast, being waste or refuse, to be remelted in furnaces or cupolas;
	(c) railway rails, which have been in actual use, to be remelted in furnaces or to be manufactured in rolling mills into other products than iron or steel rails;
	provided that articles of iron or steel, damaged in transit, if broken up under Customs supervision and rendered unsaleable except as scrap may be entered for duty as scrap.



**Export and Import Permits Act—continued**

**3. List of goods requiring an export permit**

P.C. 6561

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Order in Council P.C. 3595 of 20th July, 1949, established a list of goods to which section five of the Export and Import Permits Act shall apply;

AND WHEREAS the said list requires amendment and it is desirable that it be consolidated as amended.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by The Export and Import Permits Act, chapter 17 of the Statutes of 1947, is pleased to order as follows:

1. Order in Council P.C. 3595 of 20th July, 1949, is hereby revoked; and

2. The list of goods in the Schedule annexed hereto is hereby established as the list of goods to which section five of The Export and Import Permits Act shall apply.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**SCHEDULE OF GOODS REQUIRING AN EXPORT PERMIT**

**GROUP 1—AGRICULTURAL AND VEGETABLE PRODUCTS**

*Item*

1. Cereal and bakery products as follows:

Biscuits.

Breakfast cereals (except oatmeal and rolled oats).

Macaroni; vermicelli; spaghetti; noodles; and other alimentary paste products.

2. Grains and grain products as follows:

Barley (except pot and pearl).

Oats (except rolled oats, oat groats or hulled oats, oat middlings, shorts or oatmeal).

Rye.

Wheat; wheat flour; wheat bran; wheat shorts; wheat middlings; wheat germ; wheat germ middlings.

Mixed feeds of all kinds, including any mixture containing any grains listed in this Item but not including cake meal or other vegetable protein feeds.

Screenings of any grain or flaxseed.



**Export and Import Permits Act—continued****GROUP 2—ANIMALS AND ANIMAL PRODUCTS***Item*

## 1. Live animals as follows:

Hogs, except pure-bred stock when accompanied by documents from the National Livestock Records giving proof of registration.

## 2. Dressed animals, and products as follows:

Hogs, dressed, and other edible pork products (except brains, casings, ears, feet, hearts, hog bungs, hog bung caps, kidneys, livers, scalps, skins, snouts, stomachs, tails and ground or comminuted canned pork products).

## 3. Animal products as follows:

Glands and glandular organs, n.o.p.

Glandular products in all forms, whether concentrated, liquid or desiccated, including ox gall (or ox bile), sheep gall, hog gall, and spleen.

Pancreas.

Rennet; rennet preparations.

Stomachs (calves).

## 4. Dairy products as follows:

Butter.

Cheese.

**GROUP 3—FIBRES, TEXTILES AND TEXTILE PRODUCTS**

Deleted

**GROUP 4—WOOD AND WOOD PRODUCTS***Item*

## 1. Logs of all species of wood.

## 2. Manufactured products as follows:

Wallboards; building boards (Building paper—see Group 7)

## 3. Pulpwood of all species of wood.

**GROUP 5—IRON AND STEEL, (INCLUDING ALLOY STEEL) AND THEIR PRODUCTS***Item*

## 1. Primary products as follows:

Castings; forgings.

Ingots.

Pig iron.

Scrap iron and scrap steel of all kinds.

## 2. Rolling mill products of all kinds, including:

Bands.

Bars.

Hoops.

Piling.

Plates, coated or uncoated.

Rails.

Rods.

**Export and Import Permits Act—continued**

*Item*

Sheets, coated or uncoated.  
Steel alloys, including stainless steel.  
Strips.  
Structural steel products, including those fabricated.  
Tie plates; track material.  
Tin mill black plate.  
Tin plate; terne plate.

**3. Machinery and parts as follows:**

Ball bearings; roller bearings; bearing parts.  
Lathes, glass working.

**4. Manufactured products as follows:**

Centrifuges, with peripheral speed exceeding 1000'/sec.  
Electrical conduit.  
Hardware for builders, furniture makers or cabinet makers.  
Lathes, glass working.  
Lavatories; sinks; plumbing fixtures.  
Nails and staples made from wire.  
Pipes and tubes of all kinds; pipe fittings.  
Precision instruments, being gauges, balancing machines, measuring machines or testing machines as used for laboratory or scientific purposes; atomic energy equipment, radiation detection equipment, and components.

**Pumps as follows:**

- (a) stainless steel;
- (b) vacuum, mechanical (dry) with capacity greater than 20 cfm. capable of producing a vacuum of 1 mm. of mercury pressure;
- (c) vacuum diffusion (mercury and oil types).

Shingles; lath; corrugated roofing.

Wire, wire rope and wire fencing, coated or uncoated, plain or stranded; wire n.o.p.

**5. Heating apparatus as follows:**

Induction furnaces for melting metals under vacuum.

**GROUP 6—NON-FERROUS METALS AND THEIR PRODUCTS**

*Item*

**1. Manufactured products:**

- (a) Electrolytic cells for production of fluorine.
- (b) Hardware for builders, furniture makers or cabinet makers.
- (c) Plumbing fixtures and fittings.
- (d) Precision instruments, being gauges, balancing machines, measuring machines or testing machines as used for laboratory or scientific purposes, atomic energy equipment and components, radiation detection equipment and components.

**2. Radioactive substances as follows:**

- (a) Radioactive elements, including uranium, thorium, plutonium, neptunium, actinium, radium, polonium, radon and all alloys, salts and compounds containing same.

**Export and Import Permits Act—continued***Item*

- (b) Radioactive isotopes, including radioactive lead, radioactive phosphorus (also known as Phosphorus 32), radioactive carbon, radioactive cobalt, radioactive iodine and all salts and compounds containing same.
- (c) Ores and concentrates of uranium and thorium including pitchblende, uraninite, carnotite, monazite.
- (d) Products as follows: Manufactured articles containing uranium or thorium, including incandescent mantles, paints containing radium in any form; radium luminous and radium fluorescent compounds.

**3. Beryllium**

Beryllium in form of ores (including beryl), oxides, metal, alloys or salts.

**4. Gallium**

Gallium metal, salts and compounds.

**5. Rare Earth Metals**

Rare earth metals and their compounds, including lanthanum and cerium, (except in lighter flints and abrasives).

**6. Zirconium**

Zirconium oxide in all its forms.

**GROUP 7—NON-METALLIC MINERALS, CHEMICALS AND THEIR PRODUCTS***Item*

- 1. Building or sheathing papers, dry, saturated or laminated, in a lot exceeding \$25 in value.
- 2. Carbon black.
- 3. Coal; mineral coke.
- 4. Deuterium (heavy hydrogen) and all compounds containing same, including heavy water.
- 5. Diffusion pump oils, including silicon diffusion pump fluids.
- 6. Fluorine and all compounds containing same except hydrofluoric acid and fluorspar.
- 7. Gypsum products as follows:
  - Lath.
  - Sheathing.
  - Wall boards.
- 8. Helium gas.
- 9. Lavatories, sinks and other plumbing fixtures, in a lot exceeding \$25 in value.
- 10. Petroleum products as follows:
  - Blending agents or anti-knock compounds of petroleum origin.
  - Gas oil; distillate fuel oil; residual fuel oil.
  - Gasoline and other motor fuels. including aviation motor fuel.
  - Kerosene.

**Export and Import Permits Act—continued**

**GROUP 8—ARMS, AMMUNITION, IMPLEMENTS OR MUNITIONS OF WAR:  
MILITARY, NAVAL OR AIR STORES**

*Item*

1. Arms, ammunition and munitions of war of all kinds (except arms and ammunition designed solely for sporting purposes) and parts therefor.
2. Military tanks, armoured vehicles and armoured trains; parts therefor.
3. Naval vessels of all kinds and equipment and parts therefor.
4. Aircraft of all kinds and equipment and parts therefor, including parachutes and rafts.
5. Military or naval fire control equipment, optical instruments and apparatus, aerial cameras and searchlights; parts therefor.
6. Radar and other wireless object detection apparatus; wireless field communication equipment; parts therefor.
7. Chemical warfare agents and apparatus; parts therefor.
8. Explosives and propellents of all kinds.
9. Plans, specifications and other documents showing the design or construction of any articles in this Group.

**GROUP 9—GOODS ORIGINATING OUTSIDE CANADA**

All goods originating outside Canada when tendered for export in the same condition as when imported, without further processing or manufacturing in Canada, with the exception of

- (a) goods in transit in bond on a through journey on a billing originating outside Canada, clearly indicating the ultimate destination of the goods to be a third country;
- (b) goods consigned to the United States of America as the country of ultimate destination and not specifically listed in this Schedule.

**4. List of countries to which section 5 of the Act shall apply**

P.C. 6562

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Order in Council P.C. 2984 of 29th June, 1948, established a list of countries to which section five of The Export and Import Permits Act shall apply;

AND WHEREAS the said list requires amendment and it is desirable that it be consolidated as amended.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the



**Export and Import Permits Act—continued**

powers conferred by The Export and Import Permits Act, chapter 17 of the Statutes of 1947, is pleased to order as follows:

1. Order in Council P.C. 2984 of 29th June, 1948, is hereby revoked; and
2. The list of countries annexed hereto is hereby established as the list to which section five of The Export and Import Permits Act shall apply.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**LIST OF COUNTRIES UNDER AREA CONTROL**

Aegean Islands (including Dodecanese Islands)  
Albania  
Andorra  
Austria  
Belgium  
Borneo (including British North Borneo, Sarawak and Brunei)  
Bulgaria  
Burma  
China (including Taiwan (Formosa) )  
Czechoslovakia  
Denmark (except Greenland)  
Egypt  
Estonia  
Finland  
France (including Corsica)  
French North Africa (including Algeria, Tunisia and French Morocco)  
Germany  
Greece  
Hong Kong  
Hungary  
Iceland  
Indo-China  
Indonesia  
Iran  
Iraq  
Ireland (Eire)  
Israel  
Italy (and its Mediterranean Islands)  
Japan  
Jordan  
Korea (Republic of Korea and North Korea)  
Latvia  
Lebanon  
Liechtenstein

**Export and Import Permits Act—concluded**

Lithuania  
 Loochoo Islands (Liuchiu or Ryukyu Islands)  
 Luxembourg  
 Macao  
 Malaya  
 Monaco  
 New Guinea (including Dutch New Guinea, Papua and Territory of New Guinea (Australian Trust Territory) )  
 The Netherlands  
 Norway  
 Palestine  
 Philippines  
 Poland and Danzig  
 Portugal (including Azores, Madeira Islands)  
 Rumania  
 San Marino  
 Saudi Arabia  
 Singapore  
 Spain and Possessions (including Balearic Islands; the Canary Islands; Spanish Morocco; Ceuta; Melilla; Ifni; Rio de Oro; Spanish Guinea, including Rio Muni and Fernando Po; Annobon, Corsico and Elobey Islands)  
 Sweden  
 Switzerland  
 Syria  
 Tangier (including the International Zone)  
 Thailand (Siam)  
 Timor  
 Trieste  
 Turkey (Asiatic and European)  
 Union of Soviet Socialist Republics (European and Asiatic)  
 Vatican City  
 Yemen  
 Yugoslavia

**EXPORT CREDITS INSURANCE ACT. (1944-45, c. 39)**

No statutory orders or regulations have been made under this statute.

**EXTERNAL AFFAIRS, DEPARTMENT OF**

*See* DEPARTMENT OF EXTERNAL AFFAIRS ACT.

**EXTRADITION ACT. (R.S.C., 1927, c. 37)**

No statutory orders or regulations have been made under this statute.

**FAIR WAGES AND HOURS OF LABOUR ACT 1935. (1935, c. 39)**

*See also* FAIR WAGES POLICY.

**Regulations under the Act**

P.C. 6801

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 23rd day of November, 1940.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Labour reports that it is deemed necessary to make provision by regulation for the procedure to be followed to enforce the payment of fair wages in connection with Government contracts under the Fair Wages and Hours of Labour Act (Chapter 39 of the Statutes of Canada, 1935).

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the provisions of Section 6 of the Fair Wages and Hours of Labour Act (Chapter 39, Statutes of Canada, 1935), is pleased to make the following regulations and they are hereby made and established accordingly:

**REGULATIONS**

1. The Deputy Minister of Labour shall be responsible for the investigation of all claims for the payment of wages at the rates set out in the fair wage schedule embodied in Government contracts and in any case where the actual rates have been less than the rates so set out in the fair wage schedule he shall ascertain the difference between the amounts actually paid to employees and the amounts which they would have received had they been paid at the rates set out in the fair wage schedule.

2. The contractor shall deliver to the Deputy Minister of Labour a cheque payable to the Receiver General of Canada for the total amount of differences ascertained under regulation No. 1, or if settlement has not yet been made with the contractor concerned, then the Department of Government concerned with the contract shall withhold payment of such amount from the contractor and shall deliver to the Deputy Minister of Labour a cheque in the required amount payable to the Receiver General of Canada.

3. The amounts so collected or deducted from contractors and/or other Departments of Government shall be paid to the Receiver General of Canada to be deposited in an account, known as the Fair Wages Suspense Account. In settlement of all claims of individual workers the Deputy Minister of Labour shall authorize the issue of cheques in the appropriate amount in the name of the worker concerned, these cheques to be charged to the Fair Wages Suspense Account.

4. The Deputy Minister of Labour shall endeavour to ensure the safe delivery of these cheques to the workers concerned.

**Fair Wages and Hours of Labour Act—concluded**

5. In cases where Departments other than that of Labour have occasion through default by the Contractor to seize his security and pay off claims direct for wages, then any unclaimed cheques for payment of such wages shall be delivered to the Deputy Minister of Labour with all relevant information concerning each case to be deposited in the Fair Wages Suspense Account.

6. It shall be the responsibility of the Deputy Minister of Labour to maintain adequate records of receipts and disbursements connected with both funds referred to above.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**FAIR WAGES POLICY**

*See also FAIR WAGES AND HOURS OF LABOUR ACT, 1935.*

P.C. 5547

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, is pleased to revoke and doth hereby revoke Order in Council P.C. 1206 of 7th June, 1922, as amended, respecting the fair wages policy of the Government of Canada and its application to Government contracts, and is pleased hereby to make the following Order in substitution for the Order in Council hereby revoked:—

*Order*

1. (1) The Conditions set out in Schedule A hereto shall be observed by all departments with respect to all contracts made on behalf of the Government of Canada for the construction or remodelling of public buildings of all kinds, railways, canals, roads, bridges, locks, dry docks, elevators, harbours, piers, wharves, lighthouses, and other works for the improvement and safety of transportation and navigation, rifle ranges, fortifications, and other works of defence, dams, hydraulic works, slides, piers, booms, and other works for facilitating the transmission of timber, and all other works and properties constructed or remodelled for the Government of Canada.

(2) The Conditions set out in Schedule A hereto shall, as far as practicable, be observed by all departments with respect to all agreements made by the Government of Canada involving the grant of public funds of Canada in the form of subsidy, advance, loan, or guarantee for any of the purposes mentioned in subsection one.

(3) Returns shall be furnished by all departments to the Department of Labour showing the nature of all contracts which have been entered into during the month preceding to which the Conditions set out in Schedule



**Fair Wages Policy**—*continued*

A hereto apply, the names and addresses of the contractors, the dates and amounts of the contracts, and the text of the Fair Wages Schedules, if any, inserted in such contracts.

2. (1) The Conditions set out in Schedule B hereto shall be observed by all departments with respect to all contracts for the manufacture and supply to the Government of Canada of fittings for public buildings; harness, saddlery, clothing, and other outfit for the military and naval forces, Royal Canadian Mounted Police, letter carriers, and other government officers and employees, mail bags, letter boxes, and other postal stores; and any other articles and things hereafter designated by the Governor in Council.

(2) Returns shall be furnished by all departments to the Department of Labour showing the nature of all contracts which have been entered into during the month preceding to which the Conditions set out in Schedule B hereto apply, the names and addresses of the contractors, and the dates and amounts of the contracts.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**SCHEDULE "A"****LABOUR CONDITIONS "A"***Department of Labour to prepare Fair Wages Schedules*

1. In the case of all contracts to which these Conditions apply, the department of the Government concerned shall communicate to the Department of Labour the nature of the proposed contract and the classes of labour likely to be required in its execution. The Department of Labour shall thereupon prepare and furnish to the department concerned schedules setting forth the rates of wages generally accepted as current for competent workmen of the various classes required in the district in which the work is to be performed or if there be no current rates in the district then fair and reasonable rates, the same to be recognized as the minimum rates of wages payable to the various classes of workmen employed, and also setting forth the hours of labour fixed by the custom of the trade in the district, or if there be no such custom then fair and reasonable hours, the same to be recognized as the maximum hours during which the several classes of workmen employed shall be required to work, except for the protection of life or property or on due cause shown to the satisfaction of the Minister of Labour.

By the term "current wages" and the term "hours of labour fixed by the custom of the trade" in the foregoing are meant respectively the standard rates of wages and hours of labour either recognized by signed agreements between employers and workmen in the district from which the labour required is necessarily drawn, or actually prevailing although not necessarily recognized by signed agreements.

*Minister of Labour to determine overtime rates and proper classifications*

2. The following provision shall be inserted in all government contracts containing Fair Wages Schedules:

Where there are special circumstances which in the judgment of the Minister of Labour make it expedient that he should do so,

**Fair Wages Policy—continued**

he may decide what are the current or fair and reasonable rates of wages for overtime, and what is the proper classification of any work for the purposes of wages and hours. Immediately upon receipt of notice of any decision of the Minister of Labour hereunder the contractor shall adjust the wages and hours and classification of work so as to give effect to such decision. In case the contractor shall fail so to do, or fail at any time to pay to any employee or employees for any services performed or for any hours of labour wages according to the rates set forth in the schedule or fixed therefor by the Minister of Labour hereunder regarding overtime and classification, the Minister of Labour may authorize and direct the Minister to pay any such wages at the rates so fixed and to deduct the amount thereof from any moneys owing by the Government to the contractor and any such payment shall for all purposes as between the contractor and the Government be deemed and taken to be payment to the contractor, and the contractor shall be bound in every particular, by any such authority, direction and payment as aforesaid.

The powers of the Minister of Labour hereunder shall not be exercised as to any employee or employees where it is established to his satisfaction that an agreement in writing exists and is in effect between the contractor and the class of employees to which such employee or employees belong or the authorized representatives of such class of employees fixing rates of wages, overtime conditions and hours of labour.

**3.** In any case where the Department of Labour is unable to furnish schedules of wages and hours for the purpose aforesaid, the Department of Labour may recommend the insertion of a General Clause in the terms following:

*General Conditions applying where no Wages Schedule is furnished*

- (a) All mechanics, labourers, or other persons who perform labour in the construction of the work hereby contracted for, shall be paid such wages as are generally accepted as current from time to time during the continuance of the contract for competent workmen in the district in which the work is being performed for the character or class of work in which they are respectively engaged, and if there be no current rates in such district, then fair and reasonable rates, and shall work such hours as are customary in the trade in the district where the work is carried on, or if there be no custom of the trade as respects hours in the district, then fair and reasonable hours, unless for the protection of life and property, or for other cause shown to the satisfaction of the Minister of Labour, longer hours of service are required.
- (b) The Minister of Labour may at any time and from time to time determine for the purposes of this contract, what are the current or fair and reasonable rates of wages, and the current or fair and reasonable hours, and may from time to time rescind, revoke, amend or vary any such decision, provided that his determination and any amendment or variation shall not be operative prior to the period of three months immediately preceding the date thereof.
- (c) Where there are special circumstances which in the judgment of the Minister of Labour make it expedient that he should do so, he may, in the manner and subject to the provisions hereinabove set

**Fair Wages Policy**—*continued*

forth, decide what are the current or fair and reasonable rates of wages for overtime, and what is the proper classification of any work for the purposes of wages and hours. Immediately upon receipt of notice of any decision of the Minister of Labour hereunder the contractor shall adjust the wages and hours and classification of work so as to give effect to such decision. In case the contractor shall fail so to do, or to pay to any employee or employees for any services performed or for any hours of labour wages according to the rates fixed therefor by the Minister of Labour, the Minister of Labour may authorize and direct the Minister to pay any such wages at the rates so fixed and to deduct the amount thereof from any moneys owing by the Government to the contractor and any such payment shall for all purposes as between the contractor and the Government be deemed and taken to be payment to the contractor, and the contractor shall be bound in every particular by any such authority, direction and payment as aforesaid. The powers of the Minister of Labour hereunder shall not be exercised as to any employee or employees where it is established to his satisfaction that an agreement in writing exists and is in effect between the contractor and the class of employees to which such employee or employees belong or the authorized representatives of such class of employees fixing rates of wages, overtime conditions and hours of labour.

4. The following provisions shall also be inserted in all contracts to which these Conditions apply:

*Fair Wages Clause or Schedule to be posted*

- (a) The contractor shall post and keep posted in a conspicuous place on the premises where the contract is being executed, occupied or frequented by the workmen, the Fair Wages Clause or Schedule inserted in his contract for the protection of the workmen employed, also any decision of the Minister of Labour under the preceding paragraph.

*Contractor to keep records which are to be open for inspection*

- (b) The contractor shall keep proper books and records showing the names, trades, and addresses of all workmen in his employ and the wages paid to and time worked by such workmen, and the books or documents containing such record shall be open for inspection by the Fair Wages Officers of the Government at any time it may be expedient to the Minister of Labour to have the same inspected.

*Departmental requirements before payments made to contractor*

- (c) The contractor shall not be entitled to payment of any money which would otherwise be payable under the terms of the contract in respect of work and labour performed in the execution of the contract unless and until he shall have filed with the Minister in support of his claim for payment a statement attested by statutory declaration, showing (1) the rates of wages and hours of labour of the various classes of workmen employed in the execution of the contract; (2) whether any wages in respect of the said work and labour remain in arrears; (3) that all the labour conditions



**Fair Wages Policy—continued**

of the contract have been duly complied with; nor, in the event of notice from the Minister of Labour of claims for wages, until the same are adjusted. The contractor shall also from time to time furnish the Minister such further detailed information and evidence as the Minister may deem necessary in order to satisfy him that the Conditions herein contained to secure the payment of fair wages have been complied with, and that the workmen so employed as aforesaid upon the portion of the work in respect of which payment is demanded have been paid in full.

*Authority to pay wages in event of default by contractor*

- (d) In the event of default being made in payment of any money owing in respect of wages of any workman employed on the said work and if a claim therefor is filed in the office of the Minister and proof thereof satisfactory to the Minister is furnished, the said Minister may pay such claim out of the moneys at any time payable by His Majesty under said contract and the amount so paid shall be deemed payments to the contractor.

*Use of horses and teams*

- (e) These Conditions shall extend and apply to moneys payable for the use or hire of horses or teams, and the persons entitled to payments for the use or hire of horses or teams shall have the like rights in respect of moneys so owing them as if such moneys were payable to them in respect of wages.

*Conditions of subcontracting*

- (f) With a view to the avoidance of any abuses which might arise from the subletting of contracts it shall be understood that subletting, other than such as may be customary in the trades concerned, is prohibited unless the approval of the Minister is obtained; subcontractors shall be bound in all cases to conform to the Conditions of the main contract, and the main contractor shall be held responsible for strict adherence to all contract conditions on the part of subcontractors; the contract shall not, nor shall any portion thereof be transferred without the written permission of the Minister; no portion of the work to be performed shall be done at the homes of the workmen.

*Workmen to be residents of Canada*

- (g) All workmen employed upon the work comprehended in and to be executed pursuant to the said contract shall be residents of Canada, unless the Minister is of opinion that Canadian labour is not available or that other special circumstances exist which render it contrary to the public interest to enforce this provision.

*Inspecting officers to ensure due observance of labour conditions*

5. In all cases where clerks of works or other inspecting officers are appointed by the Government to ensure the due observance of the contract, they shall be specially instructed by the department concerned to do all in their power to see that the labour conditions are fully complied with and to report any apparent violations to the department with which the contract was made



**Fair Wages Policy—continued***Fair Wages and Hours of Labour Act, 1935 to govern*

6. The foregoing Conditions are subject to the provisions of the Fair Wages and Hours of Labour Act, 1935 (25-26 George V, Chapter 39) and any Regulations approved thereunder by the Governor in Council.

## SCHEDULE "B"

## LABOUR CONDITIONS "B"

The following provisions shall be inserted in all contracts to which these Conditions apply:

*Fair Wages and hours provisions*

1. (a) All workmen, labourers, or other persons who perform labour in the construction of the work hereby contracted for, shall be paid such wages as are generally accepted as current from time to time during the continuance of the contract for competent workmen in the district in which the work is being performed for the character or class of work in which they are respectively engaged, and if there be no current rate in such district, then a fair and reasonable rate. In no event shall the wages for the particular classification or classifications of labour concerned be less than those established by statute or regulation of the province in which the work is being performed.
- (b) The working hours shall be those fixed by the custom of the trade as respects hours in the district where the work is carried on, or if there be no custom of the trade as respects hours in the district, then fair and reasonable hours, except for the protection of life and property, or on due cause shown to the satisfaction of the Minister of Labour.
- (c) Where there are special circumstances which in the judgment of the Minister of Labour make it expedient that he should do so he may decide what are the current or fair and reasonable rates of wages for overtime, and what is the proper classification of any work for the purposes of wages and hours. Immediately upon receipt of notice of any decision of the Minister of Labour hereunder the contractor shall adjust the wages and hours and classification of work so as to give effect to such decision. In the event of a dispute arising as to what is the current or a fair and reasonable rate of wages, or what are the current hours fixed by the custom of the trade or fair and reasonable hours or as to rates for overtime it shall be determined by the Minister of Labour, whose decision shall be final; payment may also be withheld of any moneys which would otherwise be payable to the contractor until the Minister of Labour's decision has been complied with.

By the term "current wages" and the term "hours of labour fixed by the custom of the trade", in the foregoing, are meant respectively the standard rates of wages and hours of labour either recognized by signed agreements between employers and workmen in the district from which the labour required is necessarily drawn or actually prevailing, although not necessarily recognized by signed agreements.

## Fair Wages Policy—continued

### *Fair Wages provisions to be posted*

2. The contractor shall post and keep posted in a conspicuous place on the premises where the contract is being executed, occupied or frequented by the workpeople, the foregoing fair wages provisions for the protection of the workpeople employed.

### *Contractor to keep records which are to be open for inspection*

3. The contractor shall keep proper books and records showing the names, ages, trades and addresses of all workmen in his employ and the wages paid to and time worked by each workman and the books and documents containing such records shall be open for inspection by a Fair Wages Officer of the Government at any time it may be expedient to the Minister of Labour to have the same inspected.

### *Premises and work to be kept open for inspection*

4. The contractor's premises and the work being performed under this contract shall be open for inspection at all reasonable times by any officer authorized by the Minister of Labour for this purpose; all such premises shall be kept by the contractor in sanitary condition.

### *Conditions of subcontracting*

5. With a view to avoidance of any abuses which might arise from the subletting of contracts it shall be understood that subletting is prohibited unless the approval of the Minister is obtained; subcontractors shall be bound in all cases to conform to the Conditions of the main contract, and the main contractor shall be held responsible for strict adherence to all contract conditions on the part of subcontractors; the contract shall not, nor shall any portion thereof be transferred without the written permission of the Minister; no portion of the work to be performed shall be done at the homes of the workpeople, or, except as especially provided for under legislative authority, by inmates of penal institutions.

### *Workmen to be residents of Canada*

6. All workmen employed upon the work comprehended in and to be executed pursuant to this contract shall be residents of Canada, unless the Minister is of opinion that Canadian labour is not available or that special circumstances exist which would render it contrary to the public interest to enforce this provision.

### *Departmental requirements before payments made to contractor*

7. The contractor shall not be entitled to payment of any money which would otherwise be payable under the terms of the contract in respect of work and labour performed in the execution of the contract unless and until he shall have filed in the office of the Minister in support of his claim for payment a statement attested by statutory declaration showing: (1) the rates of wages and hours of labour of the various classes of workmen employed in the execution of the contract; (2) whether any wages in respect of the said work and labour remain in arrears; (3) that all the labour conditions of the contract have been duly complied with; or, in the event of notice from the Minister of Labour of claims

**Fair Wages Policy—concluded**

for wages, until the same are adjusted. The contractor shall also from time to time furnish to the Minister such further detailed information and evidence as the Minister may deem necessary in order to satisfy him that the Conditions herein contained to secure the payment of fair wages have been complied with, and that the workmen so employed as aforesaid upon the portion of the work in respect of which payment is demanded have been paid in full.

*Authority to pay wages in event of default by contractor*

8. In the event of default being made in payment of any money owing in respect of wages of any workmen employed on the said work, and if a claim therefor is filed in the office of the Minister and proof thereof satisfactory to the Minister is furnished, the said Minister may pay such claim out of the moneys at any time payable by His Majesty under said contract and the amount so paid shall be deemed payments to the contractor.

**FAMILY ALLOWANCES ACT, 1944. (1944-45, c. 40)**

1. *The Family Allowances Regulations.*
2. *Regulation respecting registration in Newfoundland.*

**1. The Family Allowances Regulations**

P.C. 4880

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 23rd day of September, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and under the authority of section eleven of The Family Allowances Act, 1944, is pleased to order as follows:—

1. The Family Allowances Regulations, established by Order in Council P.C. 4081 of 15th September 1948, are hereby revoked; and
2. The annexed regulations entitled "The Family Allowances Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

THE FAMILY ALLOWANCES REGULATIONS

SHORT TITLE

1. These regulations may be cited as "The Family Allowances Regulations".



**Family Allowances Act—continued**

PART ONE

INTERPRETATION

2. In these regulations, and in any amendments thereto, unless the context otherwise requires:—

- (a) "Act" means The Family Allowances Act, 1944;
- (b) "birthday" means an anniversary of the date of birth of a child but does not include the day of birth;
- (c) "Director of Family Allowances" means the Director of Family Allowances for Canada;
- (d) "institution" means an orphanage, children's home, shelter, refuge, residential school, hospital, maternity home or other building not being a private residence, home or dwelling, in which children are cared for separate and apart from their parents;
- (e) "Regional Director" means the Regional Director of Family Allowances of the Province for which he is appointed;
- (f) "Regional Director of the Territories" means the Regional Director of the Northwest Territories and Yukon Territory;
- (g) "registration" means registration in the manner prescribed by these regulations of a child or children for the allowance payable under the Act;
- (h) "registration form" means the form prescribed by the Minister for making application to register a child for the allowance;
- (i) "supplementary registration form" means the form prescribed by the Minister for making application to register an additional child or children for the allowance;
- (j) "territory" means, in the case of a person residing in the Northwest Territories, the Northwest Territories, and in the case of a person residing in the Yukon Territory, the Yukon Territory.

PART TWO

ADMINISTRATION

*Performance of Duties*

3. The persons for the time being holding the offices of Director of Family Allowances and Regional Directors and such officers, clerks, and employees as may be appointed shall, respectively, perform the functions and duties and carry out the responsibilities prescribed by the Act and these regulations and by the Minister.

*Delegation of Duties*

4. The Director of Family Allowances may, in such manner as he may from time to time determine, and as approved by the Minister, delegate to Regional Directors, any duty, power, responsibility, or discretion conferred on him by these regulations.

*Administrative Instructions*

5. The Director of Family Allowances may issue such instructions to Regional Directors, officers, clerks and employees as he considers necessary for the efficient administration of the Act and these regulations.



**Family Allowances Act—continued****PART THREE****REGISTRATION***Distribution of Forms*

6. (1) The Director of Family Allowances shall, in such manner as he may from time to time determine, cause registration forms and supplementary registration forms to be made available to all parents in Canada for the registration of children who are residents of Canada.

*Resident of Canada*

(2) A child shall be deemed to be a resident of Canada at the date of registration if such child is making his home in Canada and is ordinarily physically present in Canada.

*Absences from Canada*

(3) For the purposes of subsections (i) and (ii) of section 2 (b) of the Act, intervals of absence of a child from Canada during the period of residence required by the Act, which are of a temporary nature, shall be deemed not to have affected the status of the child as a resident of Canada at the date of registration.

*Application to Register Generally*

7. (1) Except as herein otherwise provided, application to register a child for the allowance shall be deemed to have been made when a registration form completed by a parent, other than a parent specifically referred to in Part six or seven of these regulations, is received in the office of the Regional Director in the province where such child ordinarily resides, or in the case of a child ordinarily resident in the Territory, in the office of the Regional Director of the Territories.

(2) Except as herein otherwise provided, application to register a child additional to a child for whom application has been made, as provided in the preceding subsection to this section, and in respect of a child not named in the application so made, shall be deemed to have been made when a supplementary registration form completed by a parent, other than a parent specifically referred to in Part six or seven of these regulations, is received in the office of the Regional Director in the province where such child ordinarily resides, or in the case of a child ordinarily resident in the Territory, in the office of the Regional Director of the Territories.

*Certification of Registration Forms*

8. (1) The Director of Family Allowances shall examine or cause to be examined the registration form or supplementary registration form as the case may be and, if satisfied that any child named therein is eligible under the Act for registration, he shall so certify in respect of each such child by making or causing to be made an appropriate entry on the said form.

(2) The certificate of the Director of Family Allowances shall effect registration of the child in respect of whom it is given,

(a) as of the last day of the month when the child was born, where the registration or supplementary registration form is received as provided in section 7, within 30 days of the date of birth of the child; or

**Family Allowances Act—continued**

- (b) as of the last day of the month when such form was received where the registration or supplementary registration form is received as provided in section 7, after 30 days from the date of birth of the child.

9. Notwithstanding the provisions of subsection 2 of section 8, where the registration or supplementary registration form is in respect of a child residing in a remote area of Canada, the Director of Family Allowances, having due regard to the circumstances of the case, geographical situation of the parent and the mailing facilities available where such parent resides, if satisfied that the application to register such child was made as soon as possible after the date of birth of the child, or, as soon as possible after facilities were provided for the registration of children for the allowance, may, in his discretion, declare that registration of the child therein named shall be effective as of the thirtieth day of June, 1945, or the last day of the month when such child was born, whichever is the later.

*Cancellation of Registration*

10. (1) Where a child who is registered for the allowance ceases to be resident in Canada, the registration of such child shall be cancelled.

(2) Where the parent who made an application to register a child requests, instructs or authorizes that the registration of such child be cancelled or withdrawn or that the payment of the allowance be discontinued, and such request, authority or instruction is in form satisfactory to the Director of Family Allowances, the registration of such child shall be cancelled and any allowance being paid shall cease to be payable.

(3) Where registration of a child has been cancelled, as provided in subsections (1) and (2) of this section, an application may at any time again be made to register such child for the allowance, and such application shall, if made, be treated as a new application.

PART FOUR

PAYMENT

*Resident in Canada*

11. (1) A child shall be deemed resident in Canada within the meaning of section 3 of the Act if such child makes his home in Canada and is ordinarily physically present in Canada; provided however that if such child, while so resident in Canada, has temporarily absented himself therefrom and has returned to Canada, he shall be presumed to have continued to be resident in Canada during the period of such absence.

(2) Where a child resident in Canada is so temporarily absent from Canada, the allowance shall be suspended following the payment for the month in which such child departed from Canada and thereafter shall be suspended until such child has returned to Canada and may then be reinstated the month following such return, if such child has remained in Canada since his return; provided, however, that, when such absence is not more than three consecutive months, the allowance if reinstated may be paid for the entire period of such absence.

**Family Allowances Act—continued***Substantially*

12. (1) A parent shall be deemed to maintain a child substantially so long as the amount or value of the contributions made by such parent, in cash or in kind, for the maintenance, care, training, education and advancement of such child, exclusive of the allowance is \$5.00 or more per month, and provided such amount or value exceeds the amount or value of contributions for such purpose made by any other individual or individuals who has or have applied to register the child for the allowance.

(2) A parent shall be deemed not to cease to maintain a child who is attending school or receiving equivalent training, only by reason of such child being partially employed or engaged in work unless the earnings received therefor exceed, on an average, the sum of \$35.00 a month.

(3) A parent shall be deemed to cease to maintain a child who is not attending school or receiving equivalent training and who is fully or partially employed or engaged in work for which he receives a salary or wages.

*Payee*

13. (1) Save in the case of a child to whom Part six or seven of these regulations applies, the allowance payable in respect of a child registered in accordance with the Act and these regulations and resident in Canada shall be paid:—

- (a) where the application to register such child is made jointly by a male and a female parent, to the female parent;
- (b) where the application to register such child is made by one male or female parent only, to such parent, provided that evidence satisfactory to the Director of Family Allowances is given as to the reason why such application was made by such parent only;
- (c) where the application to register such child is made by a parent other than the father, stepfather, adoptive father, foster father, mother, stepmother, adoptive mother, foster mother, of the child, to such parent; and subject to section 5 of the Act, special terms and conditions under which the allowance shall be paid, used and accounted for, may be prescribed by the Director of Family Allowances.

(2) Notwithstanding anything in subsection 1 of this section, where, in the opinion of the Director of Family Allowances,

- (a) the person receiving the allowance does not exclusively apply the same towards the maintenance, care, training, education and advancement of the child in respect of whom it is paid; or
- (b) the age, infirmity, ill health, insanity, improvidence, or other reasonable cause of disqualification of the person to whom the allowance is payable makes it necessary to do so; or
- (c) other special circumstances or reasonable cause of any kind whatsoever requires;

he may from time to time, and for such periods as he considers necessary, direct that the allowance be paid to such other person or agency as in the best interests of such child he considers suitable.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the Director of Family Allowances may direct the suspension of



**Family Allowances Act—continued**

the payment of the allowance in respect of any child, where it appears to him that such child is or has become ineligible for payment of the allowance and such suspension shall continue until evidence satisfactory to the Director of Family Allowances is given that such child is or has become eligible for the allowance.

(4) For the purpose of making any inquiry into the eligibility of the person to whom the allowance is being paid to continue to receive the payment, the Director may cause payment of the allowance to be suspended for any period of time necessary therefor and at the completion of such inquiry the Director shall direct payment of the allowance, which may include payment of the allowance for the period of suspension, to the person to whom it was being paid to be resumed, or under the provision of subsection (2) of this section direct that such allowance be paid to such other person or agency as in the best interests of such child he considers suitable.

(5) Where the person to whom the allowance is payable under these regulations dies, the Director of Family Allowances shall make such designation as to the person to whom the allowance will thenceforth be paid as he considers desirable in the best interest of the child, and for such purpose shall have authority to instruct the cancellation of any cheque to the deceased which has been issued and not cashed, and may require the return of such cheque to the Family Allowances office for cancellation and re-issue of a cheque for the amount of the allowance to the person so designated in the place and stead of the deceased.

*Competent Educational Authority*

14. Pursuant to subsection (2a) of section 4 of the Family Allowances Act, 1944,

- (a) The Commissioner of the Northwest Territories is prescribed as the competent educational authority in respect of a child, other than an Indian or Eskimo, resident in the Northwest Territories; and
- (b) The Commissioner of the Yukon Territory is prescribed as the competent educational authority in respect of a child, other than an Indian or Eskimo, resident in the Yukon Territory.

PART FIVE

GENERAL

*Further Information and Investigation Before and After Registration*

15. (1) The Director of Family Allowances may, at any time before giving a certificate under section 8 of these regulations, require the parent to furnish in such form as he may consider advisable, further information or evidence regarding the eligibility of any child for registration or payment of the allowance or the right of such parent to receive the allowance.

(2) The Director of Family Allowances may, at any time after giving his certificate under section 8 of these regulations or after payment of an allowance has commenced, require the parent or person receiving the allowance to furnish such further information or evidence regarding the eligibility



**Family Allowances Act—continued**

of any child for payment of the allowance or the right of such parent or person to receive the allowance or the use to which the same is put.

(3) The Director of Family Allowances may, at any time, cause such investigation to be made as he may consider necessary into the further information or evidence so furnished, any other matters affecting the eligibility of any child for registration, payment of the allowance, the right of any person to receive the allowance or the use to which the allowance is put.

*Added Information to Registration Form*

16. A record of any additional information or evidence or any part thereof obtained under section 15 of these regulations may be appended by the Director of Family Allowances to the registration form or supplementary registration form to which it relates and if so appended shall form a part thereof, as if originally contained therein.

*Notice to Parent or Payee by Director*

17. (1) The Director of Family Allowances shall give notice to the parent or person concerned when he decides or directs that:

- (a) any particular child named in a registration form is ineligible under the Act for registration and payment of the allowance; or
- (b) a parent is ineligible to receive the allowance; or
- (c) the allowance is not being applied as required by section 5 of the Act and payment thereof should be discontinued or made to some other person or agency; or
- (d) any particular child named in a registration form is or has become ineligible for payment of the allowance; or
- (e) the allowance, under the provisions of subsection (2) of section 13, should be paid to a person other than the parent, and so directs.

(2) The notice shall be given such parent or person as soon as may be practicable after the making of such decision or direction and shall be in such form as the Director of Family Allowances may determine. Such notice shall be sufficiently given if sent by ordinary post to the last known address of the person making application or receiving the allowance, as the case may be.

*Notice to Director by Payee*

18. Wherever any child in respect of whom the allowance is being paid:

- (a) ceases to attend school or to receive equivalent training; or
- (b) dies; or
- (c) ceases to be resident in Canada; or
- (d) if a female child, marries; or
- (e) ceases to be maintained by a parent; or
- (f) is temporarily absent from Canada;

the person to whom the allowance is being paid shall within one month thereof and in such form as the Director of Family Allowances shall prescribe, report such fact to the Regional Director of the Province or territory in which such child resides or has been residing.

**Family Allowances Act—continued**

*Secrecy*

19. No person shall disclose or communicate, or allow to be disclosed or communicated, any information or evidence obtained under the provisions of the Act and these regulations unless the same is necessary for the administration thereof or is required by law.

*Penalties*

20. Every person who wilfully contravenes any of the provisions of these regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$200.00 or imprisonment for a term not exceeding three months.

PART SIX

INDIANS

21. In this Part and in any amendments thereto, unless the context otherwise requires—

- (a) "Indian" shall mean an Indian as defined by the Indian Act, but shall not include any Indian in an organized territory who does not reside permanently on a Reserve;
- (b) "Indian Agent" and "Reserve" shall have the same meaning respectively as in the Indian Act.

*Application*

22. Save as in this part of these regulations otherwise specifically provided, the provisions of the other parts of these regulations except Part seven shall apply to Indians.

*Registration*

- 23. (1) (a) An Indian parent shall be deemed to make application to register a child for the allowance when a registration form, completed by or on behalf of such Indian parent, is received by the Indian agent of the agency where such parent ordinarily resides.
- (b) Application to register a child additional to a child for whom application has been made, as provided in para. (a) of sub-section (1) of this section, and in respect of a child not named in the application so made, shall be deemed to have been made when a supplementary registration form completed by or on behalf of such Indian parent is received by the Indian agent of the agency, where the parent ordinarily resides.
- (2) Such Indian agent shall, on receipt thereof deliver or mail such registration or supplementary registration form to the Regional Director of the province or the Regional Director of the Territories, according to whether the child resides in a province or in the territory, together with such information in regard thereto or in explanation thereof as appears to him to be relevant or as may be required by the Director of Family Allowances, and such Indian Agent shall state the Band number of such

**Family Allowances Act—continued**

parent, the name of the agency and the source of any information given by such agent, and shall certify that all information contained on the form or given by him is, to the best of his knowledge, information and belief, true and correct in every particular.

*Certification of Registration Forms*

**24.** (1) The Director of Family Allowances shall examine or cause to be examined the registration form and, if satisfied that any child named therein is eligible under the Act for registration, he shall so certify in respect of each such child by making or causing to be made an appropriate entry on the registration form.

(2) The certificate of the Director of Family Allowances shall effect registration of the child in respect of whom it is given,

- (a) as of the last day of the month when the child was born, where the registration or supplementary registration form is received as provided in sub-section 1 of section 23, within 30 days of the date of birth of the child; or,
- (b) as of the last day of the month in which the form was received, where the registration or supplementary registration form is received as provided in sub-section 1 of section 23, after 30 days from the date of the birth of the child.

*Retroactive Registration*

**25.** Notwithstanding the provisions of subsection 2 of section 24 where the registration or supplementary registration form is in respect of a child residing in a remote area of Canada, the Director of Family Allowances if satisfied that the application to register such child was made as soon as possible after the date of birth of the child and having due regard to the circumstances of the case and the geographical situation of the parent may, in his discretion, declare that the registration of the child therein named shall be effective as of the thirtieth day of June, 1945, or as of the last day of the month when such child was born, whichever is the later.

*Payee*

**26.** (1) The allowance payable in respect of a child registered in accordance with the Act and this Part, and resident in Canada, shall be paid:

- (a) where the application to register such child is made jointly by or on behalf of a male or a female parent, to the female parent; or
- (b) where the application to register such child is made by or on behalf of one parent only, to such parent, provided that satisfactory evidence is given as to the reason why such application was made by or on behalf of such parent only.

(2) Notwithstanding the provisions of sub-section (1) of this section, where, in the opinion of the Director of Family Allowances, it is in the best interests of the child to do so, he may direct that the allowance be paid:—

- (a) to the Indian agency Trust Account of the agency where such parent resides, to be administered on behalf of the child by the Indian Agent, in accordance with instructions issued to such agent



**Family Allowances Act—continued**

from time to time and as may be agreed to between the Director of Family Allowances and the Indian Affairs Branch of the Department of Mines and Resources; or

- (b) to the Indian Affairs Branch of the Department of Mines and Resources, to be disbursed by such Branch on behalf of the child in respect of whom the allowance is paid in accordance with the provisions of agreements from time to time made between the Director of Family Allowances and such Branch.

*Reporting Change of Circumstance*

**27.** (1) The Indian Agent shall from time to time and upon receiving or learning of any information which may affect the eligibility of a child for the allowance or the payment of the allowance as provided in these regulations, forthwith report such information to the Director of Family Allowances.

(2) The Director of Family Allowances, upon receipt of such report from the Indian Agent or upon receipt of any other information respecting the child, shall forthwith review the circumstances of the case and if, in his opinion, such circumstances warrant, may direct that the allowance be paid in accordance with any other of the provisions of section 26, or, if the child is or has become ineligible for payment of the allowance under the Act, shall suspend such payment.

*Competent Educational Authority*

**28.** Pursuant to sub-section (2a) of section 4 of the Family Allowances Act, 1944, the Director, Indian Affairs Branch, Department of Mines and Resources, is prescribed as the competent educational authority in respect of an Indian.

PART SEVEN

ESKIMOS

**29.** In this Part and in any amendments thereto, unless the context otherwise requires, "Eskimo" means a person who is listed as an Eskimo on the roll or records of, and to whom an identification disc has been issued by, the Northwest Territories and Yukon Services of the Department of Mines and Resources.

*Application*

**30.** Save as in this Part of these regulations otherwise specifically provided, the provisions of the other Parts of these regulations except Part six shall apply to Eskimos.

*Registration*

- 31.** (1) (a) An Eskimo parent shall be deemed to make application to register a child for the allowance when a registration form, completed by or on behalf of such Eskimo parent is received by the Registrar of vital statistics of the District, or the Province, or Territory, where such parent ordinarily resides; or



**Family Allowances Act—continued**

- (b) Application to register a child additional to a child for whom application has been made, as provided in para. (a) of sub-section (1) of this section, and in respect of a child not named in the application so made, shall be deemed to have been made when a supplementary registration form completed by or on behalf of such Eskimo parent is received by the Registrar of vital statistics of the District, or the Province, or Territory, where such parent ordinarily resides.
- (2) Such Registrar shall, on receipt thereof, deliver or mail such registration or supplementary registration form to the Deputy Commissioner, Northwest Territories and Yukon Services, Ottawa, together with such information in regard thereto or in explanation thereof as appears to him to be relevant and shall state the identification number of such parent, if an Eskimo, and the source of any information given by him, and shall certify that all information contained on the form or given by him is, to the best of his knowledge, information and belief, true and correct in every particular.
- (3) The Northwest Territories and Yukon Services shall, on receipt of such form, verify the information contained thereon, or furnished therewith, against any available records in the possession of the said Services, and after so doing deliver or mail such form to the Regional Director of the Territories, together with any additional information in regard thereto or in explanation thereof, as appears relevant.

*Certification of Registration Forms*

- 32.** (1) The Director of Family Allowances shall examine or cause to be examined the registration form, and, if satisfied that any child named therein is eligible under the Act for registration, he shall so certify in respect of each such child by making or causing to be made an appropriate entry on the registration form.
- (2) The certificate of the Director of Family Allowances shall effect registration of the child in respect of whom it is given,
- (a) as of the last day of the month when the child was born, where the registration or supplementary registration form is received as provided in subsection 1 of section 31, within 30 days of the date of birth of the child; or
- (b) as of the last day of the month when such form was received where the registration or supplementary registration form is received as provided in subsection 1 of section 31, after 30 days from the date of birth of the child.

*Retroactive Registration*

- 33.** Notwithstanding the provisions of subsection 2 of section 32 where the registration or supplementary registration form is in respect of a child residing in a remote area of Canada, the Director of Family Allowances if satisfied that the application to register such child was made as soon as possible after the date of birth of the child and having due regard to the circumstances of the case and the geographical situation of the parent may, in his discretion, declare that the registration of the child therein named shall be effective as of the thirtieth day of June, 1945, or as of the last day of the month when such child was born, whichever is the later.

**Family Allowances Act—continued**

*Payee*

**34.** The allowance payable in respect of an Eskimo child registered in accordance with the provision of this Part of these regulations shall be paid to the Northwest Territories and Yukon Services, to be disbursed by such Services on behalf of the child in respect of whom the allowance is paid, in accordance with the provisions of agreements from time to time made between the Director of Family Allowances and such Services.

*Competent Educational Authority*

**35.** Pursuant to subsection (2a) of section 4 of the Family Allowances Act, 1944, the Commissioner of the Northwest Territories is prescribed as the competent educational authority in respect of an Eskimo.

PART EIGHT

INTERPRETATION

**36.** In this Part, unless the context otherwise requires:

- (a) "appeal" means an appeal by any person against a decision as to his right to be paid an allowance or as to the amount of an allowance payable to him or as to any other matter arising under the Act;
- (b) "appeal committee" means a tribunal constituted under this Part for the hearing of appeals;
- (c) "appellant" means a person who appeals under this Part;
- (d) "chairman" means the person designated under this Part as chairman of an appeal committee;
- (e) "order" means a decision made by an appeal committee on an appeal;
- (f) "secretary" means the secretary of an appeal committee;
- (g) "Territories" means the area comprised by the Northwest Territories and the Yukon Territory;
- (h) "member" means a person appointed to be a member of an appeal committee.

*Establishment of Appeal Committee*

**37.** (1) There shall be an appeal committee for each province, consisting of such persons resident therein as the Governor in Council may appoint to be members thereof, to hear and determine appeals by persons resident in such province.

(2) There shall be one appeal committee for the Territories consisting of such persons as the Governor in Council may appoint to be members thereof, to hear and determine appeals by persons resident in the Yukon Territory or the Northwest Territories.

(3) The Minister may, at such times and places as he deems proper, convene a meeting of the chairmen of the appeal committees to discuss the hearing and determination of appeals, matters related thereto, and such other matters as in his opinion are necessary and desirable for the efficient administration of the Act and this Part.

**Family Allowances Act—continued***Member*

38. (1) A member shall be appointed for a period of two years.  
(2) Any member on the expiration of his term of office shall be eligible for re-appointment.  
(3) A member shall hold office during good behaviour for the period of his appointment but may be removed for cause at any time by the Governor in Council.

39. Every member shall be entitled to receive and be paid his actual travelling and living expenses necessarily incurred in connection with the discharge of his duties as a member, but he shall not be entitled to receive any remuneration for his services as a member.

*Chairman*

40. The Governor in Council may from time to time designate any member of an appeal committee to be chairman thereof.

*Secretary*

41. (1) The Governor in Council may appoint for each appeal committee a person to be the secretary thereof.

(2) The secretary shall, in addition to the regular duties assigned to him, perform such other duties as the Governor in Council may from time to time direct or as may be prescribed by the appeal committee.

(3) The secretary shall be responsible for convening the appeal committee.

(4) The secretary of an appeal committee shall be paid out of moneys appropriated by Parliament for the administration of the Act such remuneration as may be authorized by the Governor in Council.

*Sittings and Transaction of Business*

42. An appeal committee shall sit as often as may be necessary to hear and determine appeals, but there shall be a sitting of the appeal committee at least once each month if there is an appeal to be heard.

43. The appeal committee for a province shall sit to hear and determine appeals in the capital city of the province or in such other place in the province as may be most convenient and the appeal committee for the Territories shall sit to hear and determine appeals in the city of Ottawa or in such other place as may be most convenient.

44. Any three members of an appeal committee shall constitute a quorum to lawfully hear and determine appeals.

45. When the chairman is not present at a sitting of an appeal committee, the members present shall elect one of their number to act as chairman during his absence.

46. Except as provided in the Act or these regulations, the procedure on the hearing of an appeal shall be determined by the chairman or acting chairman of the appeal committee.



**Family Allowances Act—continued**

47. The determination of an appeal shall be according to the opinion of the majority of the members present at the hearing.

48. (1) An appeal committee may at any time and from time to time adjourn its proceedings to such day as may to it seem proper.

(2) The chairman may at any time, either before or during the hearing of an appeal, where in his opinion it is necessary, appoint a committee of members to inquire into and report to the appeal committee on any question relating to an appeal or group or class of appeals, or upon any matter in regard thereto, and the committee so appointed shall thereupon make such investigation and report as may appear necessary, but the members of the committee shall thereafter be disqualified from participating in the hearing and determination of the appeal or appeals in respect of which such investigation and report is made.

*Jurisdiction*

49. An appeal shall be to the appeal committee for the province or the Territories where the decision appealed against was made.

50. An appeal committee upon an appeal may affirm the decision appealed against, or may make such other order as may properly be made under the Family Allowances Act and these regulations.

51. An appeal committee may at any time extend the time within which anything is required by this Part to be done.

52. (1) An appeal shall be commenced by an appellant delivering or mailing to the Regional Director of a province or the Territories as the case may be notice in writing setting forth a statement of the grounds of the appeal.

(2) The notice of appeal shall be given within three months from the day the notice of a decision or direction was given under section 17 of these regulations, or if it relates to a matter not within the provisions of the said section 17 it shall be given within three months from the day the decision in such matter was made.

53. The Regional Director shall on receipt of the notice of appeal prepare copies thereof and shall furnish a copy to the secretary and to all persons affected by the decision appealed against.

54. On receipt of a notice of appeal the secretary shall examine the same and if, in his opinion, such notice does not sufficiently and clearly set forth a statement of the grounds of appeal, or should be accompanied by other explanations or information or documents, he shall cause the appellant to be informed so that any such insufficiency in the notice may be remedied by the appellant, or such explanation or information may be furnished in order that all facts, documents and information may be before the appeal committee for consideration upon the hearing of the appeal.

55. A Regional Director shall, within ten days from the day he receives the notice of appeal, cause to be filed with the secretary a short statement of the facts upon which the decision appealed against was made, together with the registration or supplementary registration form as the



**Family Allowances Act**—*continued*

case may be, and any correspondence, reports, statements or other information in his possession relating to the appeal, and the secretary shall make such material available to the appeal committee.

**56.** When, in the opinion of the secretary, or the appeal committee, the appeal could be more properly or conveniently heard and determined by an appeal committee in another province or in the territory, the secretary shall transmit the notice of appeal and all documents in connection therewith to such other appeal committee and shall notify the appellant thereof, and such appeal committee shall thereafter hear and determine the appeal as fully and effectively as if it had arisen in such province or the Territories as the case may be.

*Hearing and Review*

**57.** (1) An appeal committee shall not decide an appeal until a reasonable opportunity has been given to an appellant to file with the appeal committee in writing any representations that he desires the appeal committee to consider in making its order.

(2) An appellant who, within 14 days from the mailing to him of notice of such opportunity, fails to file with the secretary such representations or information, as the case may be, shall be deemed to have had reasonable opportunity to do so.

**58.** All evidence considered by an appeal committee shall be in writing except where it is made to appear to the satisfaction of an appeal committee that it is necessary in the interests of justice that oral testimony be heard in which case the appeal committee may receive and consider oral testimony.

**59.** (1) The order of the appeal committee shall be in writing and shall be signed by the chairman or acting chairman.

(2) A copy of the order shall be furnished by the secretary to the appellant and to the Regional Director concerned.

(3) The order shall not become effective until the expiration of ten days from the day the same was furnished to the Regional Director.

**60.** (1) An appeal committee may at any time request the Director of Family Allowances to state in the form of a special case for the opinion of the Deputy Minister of Justice, any question of law arising in, from, or in connection with an appeal to such appeal committee.

(2) At any time during the hearing of an appeal, or within ten days from the furnishing of a copy of an order to the Regional Director, the appeal committee, if so requested by such Regional Director, shall request the Director of Family Allowances to state a special case for the opinion of the Deputy Minister of Justice upon any question of law arising in, from, or in connection with such appeal.

(3) Pending the receipt of the opinion of the Deputy Minister of Justice upon a special case as in this section provided all proceedings shall be stayed and such opinion when given shall be conclusive of the question of law involved and shall be binding upon the appeal committee.

(4) An appeal committee may re-consider an appeal with respect to which an opinion of the Deputy Minister of Justice has been stated and may amend any order made in that appeal.

**Family Allowances Act—concluded**

**2. Regulations respecting registration of children in Newfoundland**

P.C. 1526

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 29th day of March, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS, for the purposes of The Family Allowances Act, 1944, paragraph (a) of section 41 of The Statute Law Amendment (Newfoundland) Act provides that a child in Newfoundland in respect of whom an application for registration has been received and approved as prescribed by regulations to be made for Newfoundland by the Governor in Council, prior to the first day of April, 1949, shall be deemed to have been registered immediately prior to the expiration of the 31st day of March, 1949.

Now, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and pursuant to section 41 (a) of The Statute Law Amendment (Newfoundland) Act, is pleased to make and doth hereby make the following regulations to take effect immediately prior to the expiration of the 31st day of March, 1949:

The regulations made under The Family Allowances Act, 1944, shall apply to the receipt and to the approval prior to the 1st day of April, 1949, of an application to register a child in Newfoundland for the purposes of The Family Allowances Act, 1944, and such approval shall effect registration in accordance with the provisions of section 41 (a) of The Statute Law Amendment (Newfoundland) Act.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**FARM IMPROVEMENT LOANS ACT, 1944. (1944-45, c. 41)**

**The Farm Improvement Loans Regulations**

P.C. 5731

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the authority of the Farm Improvement Loans Act, 1944, is pleased to order as follows:

1. The Regulations under The Farm Improvement Loans Act, 1944, established by Order in Council P.C. 1414 of 1st March, 1945, as amended, are hereby revoked; and

**Farm Improvement Loans Act—continued**

2. The annexed regulations entitled "The Farm Improvement Loans Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*The Farm Improvement Loans Regulations*

1. These Regulations and any amendments thereto may be cited as the Farm Improvement Loans Regulations.

2. (1) In these Regulations all words and expressions used, other than those hereinafter defined, shall have the same meaning as in The Farm Improvement Loans Act, 1944, (hereinafter called the Act).

(2) For the purpose of the Act and these Regulations—

(a) "repairs, alterations and additions" mean:

- (i) the purchase, installation, repair or improvement of heating systems including permanent equipment such as stokers, oil-burners and wood, coal, gas and electric furnaces and boilers, which are a part of such a system;
- (ii) the purchase, installation, repair or improvement of plumbing systems including permanently installed water heaters, sinks, tubs and other equipment;
- (iii) the painting of any farm building or the interior decorating of the farm home including the purchase of materials for such purpose;
- (iv) the making of repairs to any building or structure on a farm, including the purchase of materials for such purpose;
- (v) the making of structural alterations to an exterior or interior which are designed to improve or modernize or increase the usefulness of any building or structure on a farm, including the purchase of materials for any such purpose;
- (vi) the making of additions to buildings, including the addition of one or more rooms or storeys, the construction of an attached garage, ice-house or outbuilding, the installation and construction of foundations and basements for buildings, and including the purchase of materials for any such purpose, whether or not wholly or partly assembled to form a building or part thereof;

(b) "works for drainage" includes ditches, tiling and drainage installations, pumping and diking installations, and works for the conservation of soil against water erosion;

(c) "responsible officer of the bank" includes the manager or assistant manager of a branch of the bank or the person for the time being acting as such a manager or assistant manager;

(d) "owner" includes one having either an equitable or legal interest in the farm.

3. Whenever under these Regulations any matter or thing is in the discretion of a bank, such discretion may be exercised by a responsible officer of the bank.

**Farm Improvement Loans Act—continued**

4. The following are designated as works for the improvement or development of a farm, for which farm improvement loans may be made;

- (a) the construction, installation, repair, alteration or improvement of a sewage disposal system or any portion thereof;
- (b) the sinking, construction, installation, repair, alteration or improvement of wells, dugouts and all types of water supply systems or an ice well;
- (c) clearing, breaking, irrigating and reclaiming land;
- (d) soil conservation, prevention of erosion and the planting of trees and shelter belts;
- (e) the purchase of buildings or structures, whether complete or partially complete, situated elsewhere than on the farm, moving them to the farm, installing them thereon and completing them if incomplete;
- (f) the repair, alteration or improvement of fencing or works for drainage on a farm.

5. Subject to the provisions of the Act and these Regulations a bank may make the classes of farm improvement loans hereinafter prescribed, namely, for the following purposes;

*Agricultural Implement Loans*

- (a) for the purpose of financing the purchase of agricultural implements, if:
  - (i) the loan is made to the owner or tenant of the farm;
  - (ii) application is made in accordance with Form A in the Schedule to these Regulations or a form to the like effect;
  - (iii) the loan is not made for more than two-thirds of the cash price of the implements purchased as stated in the relative contract or other written evidence of the sale;
  - (iv) the bank has required the farmer to deliver to the bank a receipt or receipts or a paid cheque or cheques evidencing that the farmer has paid to the seller(s) of the implements the purchase price thereof as set out in section (1) of the application form;
  - (v) security is taken under section 88 of The Bank Act on the agricultural implements purchased at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security;
  - (vi) notwithstanding section 11 of these Regulations, in the case of a loan for the purchase of a tractor, combine, reaper-thresher or thresher the purchase price of which is \$1,500 or more, the term of the loan is restricted to a maximum period of three years;
  - (vii) in the case of a loan for the purchase of a cream separator, churn, washing machine, incubator, milking machine, refrigerator, or a heating or cooking appliance, it is, in so far as the bank deems practicable, repayable in instalments which are payable not less frequently than monthly;
  - (viii) in the case of a loan for the purchase of a motor truck for use in the business of farming, it is repayable in instalments which are payable not less frequently than every six months



**Farm Improvement Loans Act—continued**

except that where the loan is for not more than one-half of the cash price of the motor truck, it may be repayable in instalments which are payable not less frequently than annually; provided that in the case where a loan is made to a farmer who states in the application that he is in receipt of a monthly income from his farm, instalment payments are, in so far as the bank deems practicable, required on a monthly basis;

- (ix) in the case of a loan for the purchase of agricultural implements other than those especially referred to in subparagraphs (vii) and (viii) of paragraph (a) of this regulation, repayment of the loan is required to be made in instalments which are payable not less frequently than annually.

*Live Stock Loans*

- (b) for the purpose of financing the purchase of live stock, if:
  - (i) the loan is made to the owner or tenant of the farm;
  - (ii) the loan is made mainly for the purchase of foundation or breeding stock;
  - (iii) application is made in accordance with Form A in the Schedule to these Regulations or a form to the like effect;
  - (iv) the loan is not made for more than 75 per cent of the estimated cost of the live stock as set out in the application forms;
  - (v) security is taken under section 88 of The Bank Act on the live stock purchased, including the natural increase, or on all live stock owned or to be owned by the borrower, at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security;
  - (vi) the bank has required the farmer to deliver to the bank a receipt or receipts or a paid cheque or cheques evidencing that the farmer has paid to the seller(s) of the live stock the purchase price thereof as set out in section (1) of the application form;
  - (vii) repayment of the loan is required to be made in instalments which are payable not less frequently than annually; provided that where the farmer states in the application that he is in receipt of a monthly income from his farm, instalment payments are, in so far as the bank deems practicable, required on a monthly basis.

*Loans for the Purchase or Installation of Agricultural Equipment or a Farm Electric System*

- (c) for the purpose of financing the purchase or installation of agricultural equipment or a farm electric system, if:
  - (i) the loan is made to the owner of the farm;
  - (ii) application is made in accordance with Form A in the Schedule to these Regulations or a form to the like effect;
  - (iii) the loan is not made for more than 75 per cent of the estimated cost of the agricultural equipment or the farm electric system including cost of installation, as set out in the application form;
  - (iv) the bank has required the farmer to deliver to the bank a receipt or receipts or a paid cheque or cheques evidencing that

**Farm Improvement Loans Act—continued**

to the extent that the cost of the agricultural equipment or farm electric system, except for small amounts representing cost of casual or miscellaneous purchases, is made up of the cost of the equipment, machinery or materials purchased, the farmer has paid to the seller(s) of the equipment, machinery or materials the purchase price thereof as set out in section (1) of the application form;

- (v) security is taken under section 88 of The Bank Act on the agricultural equipment or farm electric system, at the time the loan is made, or pursuant to a written promise or agreement of the farmer to give such security, and in addition, if the loan exceeds \$2,000 and is for a term exceeding five years, security is taken by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale;
- (vi) repayment of the loan is required to be made in instalments which are payable not less frequently than every six months.

*Loans for the Alteration or Improvement of a Farm Electric System*

- (d) for the purpose of financing the alteration or improvement of a farm electric system, if:

- (i) the loan is made to the owner of the farm;
- (ii) application is made in accordance with Form A in the Schedule to these Regulations or a form to the like effect;
- (iii) the loan is not made for more than 75 per cent of the estimated cost of the alteration or improvement of the farm electric system, as set out in the application form;
- (iv) the bank has required the farmer to deliver to the bank a receipt or receipts or a paid cheque or cheques evidencing that to the extent that the cost of the alteration or improvement of the farm electric system, except for small amounts representing cost of casual or miscellaneous purchases, is made up of the cost of the equipment, machinery or materials purchased, the farmer has paid to the seller(s) of the equipment, machinery or materials the purchase price thereof as set out in section (1) of the application form;
- (v) in the case of a loan which exceeds \$2,000 and is for a term exceeding five years, security is taken, at the time the loan is made, by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale; in the case of all other loans, security is taken under section 88 of The Bank Act on all or some of the agricultural implements of the borrower, at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security;
- (vi) repayment of the loan is required to be made in instalments which are payable not less frequently than every six months.

*Fencing or Drainage Loans*

- (e) for the purpose of financing the erection or construction of fencing or works for drainage on a farm, if:
  - (i) the loan is made to the owner of the farm;

**Farm Improvement Loans Act—continued**

- (ii) application is made in accordance with Form A in the Schedule to these Regulations or a form to the like effect;
- (iii) the loan is not made for more than 75 per cent of the estimated cost of the project as set out in the application;
- (iv) the bank has required the farmer to deliver to the bank a receipt or receipts or a paid cheque or cheques evidencing that to the extent that the cost of the project, except for small amounts representing cost of casual or miscellaneous purchases, is made up of the cost of supplies purchased, the farmer has paid to the seller(s) of the supplies the purchase price thereof as set out in section (1) of the application form;
- (v) in the case of a loan which exceeds \$2,000 and is for a term exceeding five years, security is taken, at the time the loan is made, by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale; in the case of all other loans, security is taken under section 88 of The Bank Act on all or some of the agricultural implements of the borrower, at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security;
- (vi) repayment of the loan is required to be made in instalments which are payable not less frequently than annually.

*Loans for the Construction, Repair or Alteration of Farm Buildings*

- (f) for the purpose of financing the construction of any building or structure on a farm, including the family dwelling and outbuildings, a separate house for farm help, a summer cottage or tourist cabin if erected on a farm upon which a dwelling is situate and if operated as an enterprise incidental to the farmer's business of farming, a barn, a stable, a silo, an ice-house, a granary, or any building or structure for use in the business of farming, or for the purpose of financing the repair or alteration of or the making of additions to any building or structure on a farm, if:
  - (i) the loan is made to the owner of the farm;
  - (ii) application is made in accordance with Form A in the Schedule to these Regulations or a form to the like effect;
  - (iii) the loan is not made for more than 90 per cent of the estimated cost of the project as set out in the application;
  - (iv) the bank has required the farmer to deliver to the bank a receipt or receipts or a paid cheque or cheques evidencing that to the extent that the cost of the project, except for small amounts representing cost of casual or miscellaneous purchases, is made up of the cost of building materials, the farmer has paid to the seller(s) of the building materials the purchase price thereof as set out in section (1) of the application form;
  - (v) in the case of a loan that exceeds \$2,000 and the period for repayment of which is longer than five years, security is taken at the time the loan is made by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan



**Farm Improvement Loans Act—continued**

are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale;

- (vi) in the case of a loan, other than a loan mentioned in sub-paragraph (v), if in the opinion of a responsible officer of the bank security that may be given under section 88 of The Bank Act on agricultural implements of the borrower is sufficient to secure repayment of the loan, such security is taken at the time the loan is made or pursuant to a written promise or agreement of the farmer to give the security, but if in the opinion of a responsible officer of the bank that security is not available or is insufficient, security is taken at the time the loan is made by way of mortgage, hypothec or assignment as provided in sub-paragraph (v); and
- (vii) repayment of the loan is required to be made in instalments which are payable not less frequently than annually.

*Loans for the Improvement or Development of a Farm*

- (g) for the purpose of financing any work for the improvement or development of a farm, if:
  - (i) the loan is made to the owner of the farm or to a tenant having a right of tenancy extending two years beyond the term of the loan;
  - (ii) application is made in accordance with Form A in the Schedule to these Regulations or a form to the like effect;
  - (iii) the loan is not made for more than 75 per cent of the estimated cost of the project as set out in the application;
  - (iv) in the case of a loan which exceeds \$2,000 and is for a term exceeding five years, security is taken, at the time the loan is made, by way of mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended or by an assignment of the rights and interest of a purchaser of the farm under an agreement of sale; in the case of all other loans, security is taken under section 88 of The Bank Act on all or some of the agricultural implements of the borrower, at the time the loan is made or pursuant to a written promise or agreement of the farmer to give such security;
  - (v) repayment of the loan is required to be made in instalments which are payable not less frequently than annually.

*Further Security for Loan*

- 6. (a) Except as hereinafter provided the bank shall not be required to take any security other than the security specified for the particular class of loan in section 5 of the Regulations.
- (b) In cases where, in the opinion of a responsible officer of the bank, further security is required or advisable, the bank may take such further security as a responsible officer of the bank considers appropriate in the circumstances.



**Farm Improvement Loans Act—continued***Application for Loan*

7. The applicant for a loan must submit a signed application in accordance with Form A in the Schedule to these Regulations or a form to the like effect. A responsible officer of the bank shall scrutinize and check the application with the care required of him by the bank in the conduct of its ordinary business and, if the loan is made, shall certify that to the best of his knowledge the conditions and purposes of the loan are such as to qualify it for guarantee under the Act and these Regulations. An application shall not require the approval of the Minister but a copy thereof bearing such certificate, shall be mailed to the Minister by ordinary post with the monthly report for the month in which the loan was made, prepared pursuant to section 15 (a) of these Regulations, but the Minister at his discretion may accept an application sent thereafter.

*Promissory Notes*

8. Promissory notes for loans made shall be in accordance with Form B or Form C in the Schedule to these Regulations, or a form to the like effect.

*Offences*

9. If a bank discovers that a statement in an application for a loan is false in any material respect or that a borrower has used or is using the proceeds of a loan otherwise than for the purpose specified in the application the bank may take any action which the bank deems proper in the circumstances and the bank shall immediately report the situation to the Minister who may request the bank to take such action or further action as he may require.

*Liability of Minister Unaffected*

10. If, despite the fact that an application has been scrutinized and checked by a responsible officer of the bank with the care required of him by the bank in the conduct of its ordinary business, it is discovered that a false material statement has been made therein or that the proceeds of the loan have been or are being used otherwise than for the purpose specified in the application, the liability of the Minister to the bank under the Act shall not for such reason be discharged to any extent.

*Terms of Loan*

11. Subject to the provisions of section 3 (1) (e) of the Act and section 5 (a) (vi) of these Regulations, the term of the loan shall be fixed by the bank which shall use its best endeavours to see that the term and the amount and frequency of instalment payments conform with the borrower's probable ability to pay, having regard to the type of farming carried on by him and to relevant marketing and other practices and conditions and to any special circumstances. It is suggested that the bank observe the following Schedule of maximum terms for loans, except in cases where there

**Farm Improvement Loans Act—continued**

are special circumstances which, in the opinion of the bank, would render this inadvisable:

Loan not exceeding	Maximum term
\$ 200	18 months
400	2 years
750	3 years
1,250	4 years 6 months
2,000	7 years
3,000	10 years.

*When Entire Amount Becomes Due and Payable*

**12.** If the borrower is in default in respect of any payment for a period greater than ninety days, the entire amount of the balance outstanding on the loan shall, at the option of the bank, thereupon become due and payable.

*Revision of Terms of Loan*

- 13.** (a) Where a borrower is in default or advises the bank that some of the terms of the agreement in connection with his loan are such that he will have to default, and where in either case the bank is of the opinion that a revision or alteration of some of the terms of the agreement will enable the borrower to meet his obligation, the bank may with the borrower's approval, alter or revise the agreement in any or all of the following ways:
- (i) extend the time within which the loan must be entirely repaid, even if such extension exceeds the term prescribed by section 3 (1) (e) of the Act or by section 5 (a) (vi) of these Regulations;
  - (ii) reduce the amount of the periodic instalments or increase them if they are to be paid less frequently;
  - (iii) increase or decrease the periods between such instalments but in no case are instalments to be due less frequently than yearly.
- (b) If the terms of the altered or revised agreement do not exceed the limitations prescribed by section 3 (1) (e) of the Act or by section 5 (a) (vi) of these Regulations, the liability of the Minister to the bank under the Act shall not be discharged to any extent where the bank has notified the Minister of such alteration or revision and the reason therefor by registered letter mailed within thirty days after the alteration or revision became effective.
- (c) Where the terms of the altered or revised agreement would result in the limitations prescribed by section 3 (1) (e) of the Act or by section 5 (a) (vi) of these Regulations being exceeded, the agreement shall not become effective until the bank has notified the Minister of the proposed alteration or revision and has received the Minister's approval thereof, in which event the alteration or revision shall not discharge the liability of the Minister to the bank under the Act to any extent.

**Farm Improvement Loans Act—continued***Procedure on Default*

14. After default has occurred as provided in section 12 of the Regulations the bank may take such steps whether by legal proceedings or otherwise as it considers advisable to effect collection of the loan, to obtain whatever additional security it considers advisable under the circumstances, and to realize upon its security to whatever extent it deems advisable, and, to the extent that it considers advisable, to effect any compromise with or grant any concession to any person other than the borrower, all without in any way discharging the liability of the Minister to the bank under the Act to any extent.

*Reports to Minister*

15. (a) The bank shall prepare and mail to the Minister by ordinary post within thirty days following the last day of each month, monthly reports showing particulars of loans made in the monthly period in accordance with Form D in the Schedule to these Regulations or a form to the like effect.
- (b) The bank shall prepare and mail to the Minister by ordinary post within thirty days following the last day of March, June, September and December, respectively, of each year quarterly reports showing particulars of loans in default for over sixty days in accordance with Form E in the Schedule to these Regulations or a form to the like effect.
- (c) The bank shall furnish such other information as the Minister may require from time to time.

*Claims*

16. Claim for loss sustained by the bank in any guaranteed farm improvement loan may be made to the Minister at any time after the entire amount of the loan becomes due and payable whether as provided in section 12 of these Regulations, or otherwise.

17. (a) The amount of loss sustained by a bank in respect of a loan for which claim for loss has been submitted shall include—
- (i) the unpaid amount of the loan;
  - (ii) the uncollected earned interest calculated at the rate of two and one-half per centum per annum until the claim is approved for payment;
  - (iii) any uncollected taxed or taxable costs and any disbursements for or incidental to legal or other proceedings in connection with the loan; and
  - (iv) legal fees, costs and disbursements, whether taxable or not, actually incurred by the bank, whether with or without litigation, in collecting or endeavouring to collect outstanding loans or in protecting the interests of the Minister, but only to the extent which the Deputy Minister of Justice taxes or allows.
- (b) A claim shall be submitted to the Minister by the bank in accordance with Form F in the Schedule to these Regulations, or a form to the like effect.
- (c) Claims for loss, if in accordance with the Act and these Regulations, shall be approved for payment by the Minister within sixty days after receipt thereof and shall thereupon be paid forthwith.

**Farm Improvement Loans Act—continued**

- (d) Upon payment of the loss in respect of a guaranteed farm improvement loan being made by the Minister to the bank it shall execute a receipt in favour of the Minister in accordance with form G in the Schedule to these Regulations or a form to the like effect. Such receipt shall be mailed to the Minister by ordinary post together with the promissory note or notes signed by the borrower, and the bank shall deal with any security held by it for the said loan as the Minister may direct and at his expense.

**18.** Notwithstanding the provisions of regulation 17, if when making a claim for loss as a result of a farm improvement loan a bank fails to furnish to the Minister receipts or paid cheques in an amount and of a kind which in the opinion of the Minister are substantially all the receipts or paid cheques which the farmer is required to deliver to the bank under the agreement which the bank has made with the farmer pursuant to these Regulations, and if the proceeds of the loan to be used by the farmer for the purpose of financing the purchase of implements, live stock, equipment, machinery, materials or supplies as set out in section (1) of the application of the farmer for the loan were not in fact substantially used for such purpose, then the bank's claim for loss to the extent that it is represented by advances which were not used for the purpose set out in section (1) of the application for the loan shall be reduced by fifty per cent.

*Recoveries*

**19.** Acting on behalf of the Minister, the bank shall, notwithstanding the full settlement of its claim for loss, take such reasonable steps as the Minister may deem necessary to collect payments of principal and interest due by the borrower and realize upon any security provided for under these Regulations, such amounts as may be collected or realized to be remitted to the Minister every six months. Actual expenses of the bank in so collecting or attempting to collect or realize shall be paid by the Minister to the bank.

*Registry*

**20.** The Minister shall set up a registry for the purpose of recording all loans made under the Act.

SCHEDULE "A"

APPLICATION FOR LOAN UNDER THE FARM  
IMPROVEMENT LOANS ACT, 1944

(To be completed and signed in duplicate  
by applicant)

Applications covering loans made to be numbered consecutively by lending bank.	Application Number
---	-----------------------

To.....	.....
(Name of Bank)	(Name of Applicant)
.....	.....
(Branch)	(Address)

(1) I submit the following information for the purpose of obtaining from you a loan of \$..... under the provisions of The Farm Improvement Loans Act, 1944, for a period of ..... repayable ..... the loan being required for the following purpose, to wit: .....  
.....  
.....  
(Describe purpose fully)



Farm Improvement Loans Act—continued

the total \*estimated cost being \$. . . . . and the followings items to be purchased at the \*estimated cost mentioned below: (Describe the items of agricultural implements, live stock, equipment, machinery, materials or supplies, as the case may be.)

\*In the case of an agricultural implement loan delete the word "estimated".

Description	Cost
.....	.....
.....	.....
.....	.....
.....	.....

(2) I hereby certify that I am in possession of the farm composed of the land described below, that except as indicated below said land is clear of encumbrances, including overdue taxes, that my principal occupation consists of farming the said farm and that I hold an interest in the said farm of the nature indicated below.

Homestead	Other Land Farmed
(a) ..... (Full Legal Description)	(a) ..... (Full Legal Description)
(b) ..... (Nature of interest in farm, i.e., owner, purchaser under agreement for sale, lessee, etc.)	(b) ..... (Nature of interest in farm, i.e., owner, purchaser under agreement for sale, lessee, etc.)
(c) ..... (State whether land is clear title, subject to a mortgage or held under an agreement for sale or under a lease)	(c) ..... (State whether land is clear title, subject to a mortgage or held under an agreement for sale or under a lease)
(d) ..... (Name of mortgagee, vendor or lessor)	(d) ..... (Name of mortgagee, vendor or lessor)
(e) ..... (Particulars of all encumbrances including all payments of principal, interest or taxes in arrears)	(e) ..... (Particulars of all encumbrances including all payments of principal, interest or taxes in arrears)
(f) Applicant's Valuation...\$. . . . . Total encumbrances, including overdue taxes...\$. . . . .	(f) Applicant's Valuation...\$. . . . . Total encumbrances, including overdue taxes...\$. . . . .
(g) Fire Insurance on Buildings .....\$. . . . .	(g) Fire Insurance on Buildings .....\$. . . . .
(h) ..... (If a lease, the terms thereof, including expiry date)	(h) ..... (If a lease, the terms thereof, including expiry date)

(If above space insufficient attach sheet or sheets giving particulars called for.)

(3) If you desire evidence of the title to the said farm and its status as regards encumbrances, I authorize you to obtain on my behalf such certificate of search or abstract of title and/or report on title as you may deem requisite and I agree to reimburse to you the cost thereof.

(Where a borrower has previously been granted a loan within a twelve-month period, or where an application for a loan does not exceed \$250 and the borrower is well known to the bank, particulars called for by Nos. 4, 5, 6, 7, 8 and 9 below may be dispensed with.)

(4) Of the land described above, there are ..... acres under cultivation, of which ..... acres are in crop or will be in crop during 19...., made up as follows:

.....acres of wheat	.....acres of other grain	.....acres of fruit
.....acres of barley	.....acres of hay	.....acres of roots
.....acres of oats	.....acres of tobacco	.....in other crops



**Farm Improvement Loans Act—continued**

(12) Except as indicated below, I have not heretofore applied for or received a loan under the provisions of The Farm Improvement Loans Act, 1944, from you or any other bank:

Date of Application	Bank	Amount of Loan Made	Amount Now Owning
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

(13) I am ..... years of age, am married/single and have ..... dependents of whom ..... are children under 16 years of age and of whom ..... are boys over 16 years of age living at home.

(If applicant is a married woman resident in the Province of Quebec) I am common/separate as to property.

(14) I have farmed my present land for ..... years and previous to that farmed land located at ..... for ..... years.

(15) In the event of the loan applied for being made by you I hereby:

(a) undertake to use the proceeds for the purpose specified in Section (1) of this application and for no other purpose;

(b) undertake to deliver to you a receipt or receipts or a paid cheque or cheques evidencing that the purchase price of the implements, live stock, equipment, machinery, material or supplies, as the case may be, as set out in Section (1) of this application, has been paid to the seller(s) thereof;

(c) authorize you, if security be required upon agricultural equipment or a farm electric system, to have the appropriate registration or filing effected and to obtain evidence satisfactory to you of the rank of such security and I agree to reimburse to you the cost thereof.

(16) I authorize you to furnish to any officer, inspector, clerk or employee appointed under the authority of Section 11 of The Farm Improvement Loans Act, 1944, all information in respect of the loan hereby applied for or in connection with any of my dealings with you.

..... 19.... (Signature of Applicant)

(The following to be completed by applicant only where any required security under Section 88 of The Bank Act will not be given at same time as loan is made.)

(17) If you are prepared to make a loan to me in accordance with the foregoing application, I promise and agree to give you security for the said loan by way of assignment under Section 88 of The Bank Act covering the property hereinafter described of which I am or may hereafter become the owner, to wit,—(Describe property on which security is to be taken.)

.....  
and which is now or may hereafter be in the place or places hereinafter designated, to wit,— (Designate place or places where property is or may be.)

.....

I hereby appoint the person for the time being acting as manager of the above-mentioned branch of the bank my attorney, on my behalf to give to the bank the security mentioned above and to sign or endorse and deliver any and all instruments and documents in connection therewith.

..... 19.... (Signature of Applicant)

(The following to be completed by applicant only where loan applied for exceeds \$2,000 and is for a term exceeding five years, or where the loan applied for is for the construction, repair or alteration of farm buildings and the security referred to is required under Regulation 5 (f) (vi).)

**Farm Improvement Loans Act—continued**

(18) If you are prepared to make a loan to me in accordance with the foregoing application, I agree to give you, at my own expense, as security for the repayment thereof and the payment of interest thereon—

- (a) a mortgage or hypothec upon the farm in respect of which the proceeds of the loan are to be expended,
- (b) an assignment of my rights and interest as purchaser of the farm in respect of which the proceeds of the loan are to be expended.

I authorize you to have the said security duly registered or recorded and to obtain evidence satisfactory to you of the rank of such security and I agree to reimburse to you the cost thereof.

.....19.... (Signature of Applicant)

*Certificate of a Responsible Officer of the Bank*

(19) I hereby certify that I have scrutinized and checked the foregoing application with the care required of me by the bank in the conduct of its ordinary business and that to the best of my knowledge the conditions and purposes of the loan made pursuant to the application are such as to qualify it for guarantee under The Farm Improvement Loans Act, 1944, and relative Regulations made thereunder.

.....19.... (Signature of Officer)

SCHEDULE "B"

WHERE LOAN IS REPAYABLE IN EQUAL MONTHLY INSTALMENTS

\$..... Application No. .... 19....

For value received..... promise to pay to the order of.....  
(Name of Bank)

.....at its..... Branch  
the sum of..... Dollars  
(hereinafter called the "principal"), with interest at the rate of 5 per cent per annum,  
the principal to be payable in instalments as follows: .....Dollars  
on the ..... day of.....19...., together  
with accrued interest on the unpaid principal, and .....Dollars  
on the..... day of each month and every month thereafter,  
together with accrued interest on the unpaid principal, until the ..... day  
of.....19.... on which date the principal and accrued  
interest then unpaid shall become due and payable. The calculation of interest by  
the bank shall not be final but shall be subject to any necessary adjustment in each  
case so that the rate charged shall be exactly the rate hereinbefore provided and any  
excess in the original calculation over such rate shall be and be treated for all pur-  
poses as a payment of capital. Partial payments shall be first applied against interest  
accrued. If any instalment of principal or the accrued interest payable contem-  
poraneously therewith remains unpaid for ninety days after the date on which it  
becomes due, the whole of the principal and accrued interest shall forthwith become  
due and payable at the option of the bank. In the event that the undersigned shall  
fail to make any of the payments above provided for, the undersigned promises to  
pay interest at the rate of 5 per cent per annum on the principal amount in default  
from the date of default until payment.

.....  
.....



**Farm Improvement Loans Act—continued**

## SCHEDULE "C"

WHERE LOAN IS REPAYABLE IN OTHER THAN EQUAL MONTHLY INSTALMENTS

§..... Application No. ....19....

For value received.....promise to pay to the order of.....  
(Name of Bank)

..... at its..... Branch

the sum of..... Dollars  
(hereinafter called the "principal"), with interest at the rate of 5 per cent per annum,  
the principal to be payable in instalments as follows:

\$.....on.....19....	\$.....on.....19....
\$.....on.....19....	\$.....on.....19....
\$.....on.....19....	\$.....on.....19....
\$.....on.....19....	\$.....on.....19....
\$.....on.....19....	\$.....on.....19....
\$.....on.....19....	\$.....on.....19....
\$.....on.....19....	\$.....on.....19....
\$.....on.....19....	\$.....on.....19....

together with accrued interest on the unpaid principal on each of the above dates. The calculation of interest by the bank shall not be final but shall be subject to any necessary adjustment in each case so that the rate charged shall be exactly the rate hereinbefore provided and any excess in the original calculation over such rate shall be and be treated for all purposes as a payment of capital. Partial payments shall be first applied against interest accrued. If any instalment of principal or the accrued interest payable contemporaneously therewith remains unpaid for ninety days after the date on which it becomes due, the whole of the principal and accrued interest shall forthwith become due and payable at the option of the bank. In the event that the undersigned shall fail to make any of the payments above provided for, the undersigned promises to pay interest at the rate of 5 per cent per annum on the principal amount in default from the date of default until payment.

.....

.....

### LOANS MADE SINCE LAST REPORT

### Farm Improvement Loans Act—continued

### SCHEDULE "E"

(To be completed as of the last day of  
March, June, September and December)

.....  
(Name of Bank)

.....  
(Branch)

THE FARM IMPROVEMENT LOANS ACT, 1944  
Quarterly Report of Loans in Default

For quarter ended .....19..

	Number	Amount
(1) Total loans in default at date of last report.....		\$
(2) Total loans in default at this date as listed below.....		\$

Certified Correct, .....Manager .....Accountant

## PARTICULARS OF LOANS IN DEFAULT AT THIS DATE

*Application Number	Name of Borrower	Original Amt. of Loan	Present Amount	Payments in Arrears		*Remarks
				No.	Amount	
		Totals				

\* Indicate whether payments due monthly, quarterly or annually and steps being taken to collect amount in arrears.

**Farm Improvement Loans Act—continued**

SCHEDULE "F"

PROOF OF CLAIM ON DEFAULTED LOAN

From.....	Loan Application No. ....
(Name of Bank)	
.....	.....
(Branch)	(Name of Borrower)
.....	.....
(Date)	(Address)

To Minister of Finance,  
Ottawa, Ontario.

By virtue of the guarantee of His Majesty the King in right of Canada under The Farm Improvement Loans Act, 1944, the undersigned hereby claims payment of the amount of loss sustained by the undersigned as a result of a guaranteed farm improvement loan made to the above-named borrower, which loss is made up as follows:

- (1) Unpaid principal amount of loan..... \$
- (2) Uncollected, taxed or taxable costs, etc., in accordance with Section 17 (a) (iii) of the Regulations, as per statement herewith ..... \$
- (3) Legal fees, costs and disbursements in accordance with Section 17 (a) (iv) of the Regulations, as per statement herewith..... \$
- (4) Uncollected earned interest on \$..... calculated at the rate of 2½ per cent per annum from the ..... day of ..... 19.... until the date this claim is approved for payment.

The undersigned submits herewith the following:—

- (a) Statement showing the date(s) and original amount(s) of the note(s) held by the undersigned in respect of the said loan, and the dates and amounts of the payments of principal and interest, respectively, made to the undersigned by the borrower.
- (b) Statement showing particulars of any unrealized security or unsatisfied judgments in respect of the said loan.
- (c) Receipt(s) or paid cheque(s), as per statement herewith, furnished by the borrower evidencing that the purchase price of the implements, live stock, equipment, machinery, materials, or supplies as the case may be, as set out in Section (1) of the borrower's application for such loan, has been paid to the seller(s) thereof.

In the opinion of the undersigned officer of the bank the balance owing on the said loan is not recoverable from the borrower.

.....  
(Name of Bank)  
By .....  
Manager

SCHEDULE "G"

RECEIPT IN FAVOUR OF MINISTER OF FINANCE

.....19....  
.....hereby acknowledges receipt of payment  
(Name of Bank)  
to it by the Minister of Finance of Canada pursuant to The Farm Improvement Loans Act, 1944, of the sum of (\$.....) .....dollars



**Farm Improvement Loans Act—concluded**

in respect of the loss sustained by the said bank as a result of a guaranteed farm improvement loan made by the said bank to.....  
(Name of Borrower)  
pursuant to Application No. ....

.....  
(Name of Bank)  
By .....  
Manager  
.....  
Branch

**CANADIAN FARM LOAN ACT. (R.S.C., 1927, c. 66)**

**Canadian Farm Loan Board (General) Regulations**

P.C. 2084

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of April, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the provisions of the Canadian Farm Loan Act, Revised Statutes of Canada, 1927, chapter 66, is pleased to approve and doth hereby approve the attached regulations entitled "Canadian Farm Loan Board (General) Regulations" made on the 9th day of March, 1949, by the Canadian Farm Loan Board under the authority of the Canadian Farm Loan Act.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*Canadian Farm Loans Board (General) Regulations*

1. In these regulations:
- (a) "Act" means the Canadian Farm Loan Act;
  - (b) "Board" means the Canadian Farm Loan Board;
  - (c) "Commissioner" means the Canadian Farm Loan Commissioner;
  - (d) "Branch Manager" means a Chief Executive Officer appointed under section 10 of the Act;
  - (e) "first mortgage loan" means a loan made under section 4 of the Act; and
  - (f) "second mortgage loan" means a loan made under section 19 of the Act.

EXECUTION OF DOCUMENTS BY BOARD

2. (1) The Seal and impression thereof as made on these regulations is hereby declared to be the Corporate Seal of the Board.

**Canadian Farm Loan Act—continued**

(2) All transfers, assignments, discharges, deeds, securities or other instruments of whatever kind and nature shall be deemed to be duly executed by and on behalf of the Board, if its Corporate Seal is affixed thereto and attested by the Commissioner, or any other member of the Board and countersigned by the Secretary of the Board, and when so executed all such instruments shall be deemed to have been validly and effectually executed by and on behalf of the Board.

COMPLETION OF HYPOTHECS OF THE BOARD

3. Hypothecs taken to secure loans made by the Canadian Farm Loan Board in the Province of Quebec and executed by Notarial Deed may be accepted and completed on behalf of the Board by the Chief Executive Officer for the said Province, Mr. J. A. Proulx, or by such other person as shall act as his attorney by virtue of a special Power of Attorney signed by him, or may be accepted and completed on behalf of the Board by such other person or persons as are from time to time so authorized by the Board by Resolution and Hypothecs when so accepted on behalf of the Board shall be deemed to be duly accepted and completed by the Board.

BRANCH OFFICES

4. Branch Offices of the Board shall be established as follows to serve the following designated territories:

At Halifax for the Province of Nova Scotia;  
 At Charlottetown for the Province of Prince Edward Island;  
 At Saint John for the Province of New Brunswick;  
 At Quebec City for the Province of Quebec;  
 At Toronto for the Province of Ontario;  
 At Winnipeg for the Province of Manitoba;  
 At Regina for the Province of Saskatchewan;  
 At Edmonton for the Province of Alberta; and  
 At New Westminster for the Province of British Columbia.

FINANCIAL YEAR

5. The financial year of the Board shall end on March 31 in each year.

6. The Board shall make a written report to the Minister of Finance on the operation of the Board for each fiscal year after the end of the fiscal year and the completion of the audit of its books.

AUDIT AND INSPECTION

7. (1) The auditors of the Board shall have a right of access, at all times, to the books and accounts and vouchers of the Board, and shall be entitled to require from the members of the Board, and officials thereof, such information and explanations as may be necessary for the performance of their duties as auditors.

(2) The auditors of the Board shall make an annual report to the Board on the Annual Statements submitted to the Board and the report in each case shall state:

(a) Whether they have obtained all the information and explanations they have required; and

**Canadian Farm Loan Act—continued**

- (b) Whether in their opinion, the respective statements are properly drawn up so as to exhibit a true and correct view of the state of the Board's affairs, according to the best of their information, the explanations given them, and as shown by the books of the Board.

**ELIGIBILITY OF APPLICANTS FOR LOAN**

**8.** (1) An applicant for a loan is deemed to be actually engaged in the cultivation of the land to be mortgaged to the Board if he cultivates the land himself or with hired labour.

(2) Where the owner of land that is cultivated by another person applies for a loan, if the relationship between the owner and that other person is that of landlord and tenant, the owner is deemed not to be in occupation or to cultivate that land.

**PAST RECORD AND PERSONAL QUALIFICATIONS OF APPLICANT AS A DETERMINING FACTOR IN GRANTING LOAN**

**9.** Within the limits and subject to the conditions for making loans prescribed by the Act, the determining factor in fixing the amounts of first and second mortgage loans to be made shall be the capability of the applicant to provide for repayment thereof out of farm earnings determined as far as possible from investigation of his past record of operations on the farm and the present and estimated future productivity of the farm lands to be mortgaged.

**APPLICATIONS FOR LOANS**

**10.** An application for a loan shall be made on an application form provided by the Board to the Branch Office of the Board serving the province in which the land to be mortgaged is situated.

**11.** The following fees shall be paid at the time of making applications for loans:

- (a) Applications for a first mortgage loan or for both first and second mortgage loans—\$10.00;  
(b) Applications for second mortgage loans only—\$5.00.

**12.** Where an application for loan is rejected or withdrawn before an appraisal of the land to be mortgaged is made the application fee paid by the applicant shall be refunded.

**13.** Where an appraisal of land to be mortgaged has been made pursuant to an application to the Board for a loan the application fee paid by the applicant shall be retained by the Board unless by resolution and for reasons specifically set out therein, the Board directs that the fee or part thereof should be refunded.

**14.** Every applicant to whom both a first mortgage loan and a second mortgage loan are made may be required to pay in addition to the application fee a valuation fee not exceeding Five dollars with respect to the second mortgage loan, which unless otherwise paid shall be retained out of the second mortgage loan at the time of making that loan.

**15.** (1) Except as provided in subsection (2) no loan shall be made or agreed to be made by the Board until after an appraisal is made of the farm lands to be mortgaged to secure repayment of the loan.

**Canadian Farm Loan Act—continued**

(2) Where a borrower from the Board makes application for a further loan, repayment of which is to be secured by a second mortgage on lands already mortgaged to the Board, an appraisal of the land made on behalf of the Board within the fiscal year in which the application is made or within the immediately preceding fiscal year, may be accepted as an appraisal for the purpose of the further loan applied for.

APPROVAL OF LOANS

**16.** No loan may be made without the approval of the Commissioner or some other member of the Board or some other person authorized by the Board to approve the making of loans.

APPRAISALS

**17.** Farm lands to be mortgaged to the Board shall not be appraised while covered with snow or frozen to the extent that a proper examination of the soil and state of cultivation is not possible.

**18.** Before making a recommendation in respect of a loan an appraiser shall make a careful investigation of the personal qualifications of the applicant as one of the determining factors in the approval or rejection of the application and shall make a detailed report thereon when making his recommendation.

**19.** Farm properties to be mortgaged to the Board as security for repayment of loans shall be appraised as follows:

- (a) The farm lands shall be appraised without regard to the value of the buildings; and
- (b) the amount by which the buildings situated on the farm lands increase the value of the lands shall be determined;

and the total of these two amounts shall constitute the value of the farm property but in no case shall buildings be deemed to increase the value of the land by an amount greater than the value placed upon the land alone.

SMALL FARM UNITS

**20.** No loan shall be made on the security of a mortgage on a land unit that is not of sufficient size to produce under the operation of the applicant sufficient crops and fodder, whether marketed direct or fed to livestock or both to provide a livelihood for the farm operator and his dependents and to provide for the repayment of the loan.

**21. (1)** No loan shall be made on orchard lands unless such lands have a general agricultural value, that is a value for the production of general crops.

(2) The general agricultural value of orchard lands, that is, their value for the production of general crops, shall be the basis of appraisal of such lands but if the trees thereon are in a healthy condition and if the area has a satisfactory production record, the trees may be considered as enhancing the value of the land in determining its productive value, depending upon the kind and variety of the trees grown and their age, condition and prospective life but small isolated farm orchards, particularly where the type of fruit growing represented by the orchard is not practised on a commercial scale, shall not be deemed to enhance the value of the land on which they are situated.



**Canadian Farm Loan Act—continued****SMALL FRUIT PLANTS**

**22.** Small fruit plants growing on lands shall not be taken into account in appraising the land.

**DRAINAGE AND IRRIGATION**

**23.** In appraising land to be mortgaged to the Board account shall be taken of a charge on the land for future payments for irrigation or drainage projects but such a charge shall not be deemed to be a mortgage for the purposes of the Act.

**LOANS ON ONE PARCEL OF LAND TO IMPROVE ANOTHER**

**24.** Loans may be made on the security of a mortgage on one parcel of land for the purpose of improving another parcel of land but loans for such purpose shall be made only when both parcels of land are situate in such proximity that they can be worked as one agricultural unit under common management.

**LOANS FOR IMPROVEMENTS**

**25.** Where an application is made to the Board for a loan to provide funds for permanent insurable improvements, or for clearing, draining or other like improvements to farm land the appraisal of the value of the land for the purpose of making the loan may be based on the value that it will have after the improvements have been made if the Board is satisfied that the amount borrowed will be sufficient to complete the improvements and that provision is made that no liens for labour or material shall have priority over any mortgage on the farm taken by the Board.

**TERMS OF FIRST MORTGAGE LOAN**

**26.** First mortgage loans may be made on terms providing for the repayment thereof over a period consisting of a fractional portion of a year plus 24 years, 20 years, 15 years, or 10 years or over a period of 5 years as in the judgment of the official approving the loan is in the best interest of the Board, but preference shall be given to a term of repayment consisting of a fractional portion of a year plus 24 years.

**27.** Where the term of a first mortgage loan is 5 years the borrower shall be required to pay interest yearly or half yearly and an amount of principal equal to at least ten per cent of the amount of the loan yearly during the term of the loan, the balance of principal to become due and payable at the end of the term.

**TERMS OF SECOND MORTGAGE LOAN**

**28.** Second mortgage loans may be made on terms providing for the repayment thereof over the period of loan in equal consecutive annual or semi-annual instalments of principal plus interest accrued to date of payment or on terms providing for the payment of interest only for the year or major portion thereof to the first or second instalment payment date following the making of the loan and thereafter in equal consecutive annual or semi-annual instalments of principal plus accrued interest to date of payment over the balance of the period of loan.

**Canadian Farm Loan Act—continued**

**ADDITIONAL SECURITY FOR SECOND MORTGAGE LOANS**

**29.** In provinces where chattel security may be taken second mortgage loans may be additionally secured by bill of sale by way of chattel mortgage on the borrower's livestock, farm implements and farm equipment, including motor vehicles and, when considered necessary to the security of the Board, on any other personal property.

**30.** Where a further loan by way of second mortgage is granted to a borrower it shall be a condition of approval of the loan that all outstanding taxes on the farm lands taken as security and all arrears upon the first mortgage loan as at the time of making the second mortgage loan shall be paid from the proceeds of the second mortgage loan.

**SECOND MORTGAGE LOANS SHALL CONSOLIDATE LIABILITIES**

**31.** A second mortgage loan shall be granted subject to the condition that the loans made by the Board to the borrower are sufficient to discharge all his liabilities as disclosed to the Board except:

- (a) to the extent that, in the judgment of the Board's officials, the liabilities not so retired are secured by charges on other land or property and that the borrower will be able to discharge them out of revenues other than those derived by him from the operation of the farm lands mortgaged to the Board so that he will not be handicapped in the repayment of the loans made to him by the Board; or
- (b) to the extent that, in cases of borrowers receiving loans to the aggregate maximum of \$6,000, the liabilities not so discharged will, in the judgment of the Board's officials, be paid out of farm revenues without affecting the repayment of the loans made to him by the Board.

**INSURANCE ON BUILDINGS**

**32. (1)** Buildings on farm lands owned by the Board shall be insured and kept insured against loss or damage by fire to the amount of the full insurable value of such buildings.

**(2)** Where farm lands are sold by the Board on credit terms buildings on the lands shall be and be kept insured against loss or damage by fire for at least the amount owing to the Board or for the full insurable value where the full insurable value is less than the amount so owing.

**(3)** Buildings on farm lands mortgaged to the Board as security for a loan shall be and be kept insured against loss or damage by fire for an amount equal to at least the amount owing on the loan or the full insurable value of the buildings, where the full insurable value is less than the amount so owing.

**TAXES**

**33.** The Board may pay to a local taxing authority an amount equal to the taxes that might have been assessed and levied on lands and improvements held by the Board by the taxing authority in any year if taxes had been assessed and levied thereon in that year; but in no case shall the amount so paid be in excess of an amount that the Board deems to be fair and equitable having regard to the taxes assessed and levied in that year by the taxing authority upon other land and improvements.

**Canadian Farm Loan Act—continued****INTEREST RATES ON FIRST MORTGAGE LOANS**

**34.** (1) The rate of interest payable on a first mortgage loan made in whole or in part before April 2, 1945 shall be five per cent per annum.

(2) The rate of interest payable on a first mortgage loan other than a loan referred to in subsection (1) shall be four and one half per cent per annum.

**35.** (1) The rate of interest payable on defaulted payments and on all charges and assessments which the Board may pay to protect its security in respect of a first mortgage loan made in whole or in part before April 2, 1945 shall be five and one-half per cent per annum.

(2) The rate of interest payable on defaulted payments and on all charges and assessments which the Board may pay to protect its security in respect of a first mortgage loan other than a loan referred to in subsection (1) shall be five per cent per annum.

**INTEREST RATES ON SECOND MORTGAGE LOANS**

**36.** (1) The rate of interest payable on a second mortgage loan made in whole or in part before April 2, 1945 shall be six per cent per annum.

(2) The rate of interest payable on a second mortgage loan other than a loan referred to in subsection (1) shall be five per cent per annum.

**37.** (1) The rate of interest payable on defaulted payments and on all charges and assessments which the Board may pay to protect its security in respect of a second mortgage loan made in whole or in part before April 2, 1945 shall be six per cent per annum;

(2) The rate of interest payable on defaulted payments and on all charges and assessments which the Board may pay to protect its security in respect of a second mortgage loan other than a loan referred to in subsection (1) shall be five per cent per annum.

**DISBURSEMENTS CHARGED TO SECOND MORTGAGE ACCOUNT**

**38.** Where the Board disburses a sum of money on behalf of a borrower who has received a first mortgage loan and a second mortgage loan both of which are outstanding, and where such sum of money is properly chargeable at the option of the Board to either loan account such sum shall be charged to the second mortgage loan account.

**APPLICATION OF REPAYMENTS**

**39.** Where a repayment is received from or on behalf of a borrower the same may be credited to his loan account or loan accounts in, or so far as the repayment will extend towards the satisfaction of the following items or such of them as may appear therein and in the following order: .

(1) Charges other than for interest which have been added to the first mortgage loan account;

(2) Interest arrears on first mortgage;

(3) Principal arrears on first mortgage;

(4) Charges other than for interest which have been added to the second mortgage loan account;

(5) Interest arrears on second mortgage;



**Canadian Farm Loan Act—concluded**

- (6) Principal arrears on second mortgage;
- (7) Principal of second mortgage not in arrears;
- (8) Principal of first mortgage not in arrears.

PREPAYMENT OF LOANS

40. (1) No borrower shall be entitled, except with the consent of the Board, to prepay the whole or any portion of a first mortgage loan made to him within the period of two years following the date of receipt of such loan by him.

(2) The Board may accept prepayment of the whole or any portion of a first mortgage loan at any time but, where prepayment is tendered within the period of two years following the date of making the loan, the Board may charge a bonus not exceeding three months' interest at the current rate on the loan calculated on the amount of the prepayment.

**FARMERS' CREDITORS ARRANGEMENT ACT, 1943.**

(1943-44, c. 26).

**Rules, Regulations and Forms under The Farmers' Creditors Arrangement Act, 1943**

P.C. 365

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 21st day of January, 1944.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS, subsection one of section forty-one of The Farmers' Creditors Arrangement Act, 1943, provides that:

"41. (1) The Governor in Council may make rules and regulations governing the procedure in the case of an assignment by or a petition against a farmer under the Bankruptcy Act or a proposal, including the advertising to be done in each case, and the procedure in relation to the exercise of the jurisdiction under this Act of the court or the Appeal Court and to give effect to the provisions of this Act, and may establish a tariff of fees to be paid in any such case, including remuneration of the Official Receiver acting as Official Receiver, Custodian or Trustee under the Bankruptcy Act or under this Act."

AND WHEREAS, under the provisions of section forty-five of The Farmers' Creditors Arrangement Act, 1943, the said Act was proclaimed as coming into force on the fifteenth day of December, 1943;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, is pleased to make the attached rules and regulations and forms and tariff of fees for the purposes of The Farmers' Creditors Arrangement Act, 1943, and they are hereby made and established, with effect from and after the fifteenth day of December, 1943.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*



**Farmers' Creditors Arrangement Act—continued***Rules, Regulations and Forms under the Farmers' Creditors Arrangement Act, 1943.*

1. In these rules and regulations, unless the context otherwise requires,—

- (a) "Act" means the Farmers' Creditors Arrangement Act, 1943;
- (b) "appropriate Land Titles Office" means the Land Titles Office in every district in which the whole or any part of the real or immovable property which a farmer who has made a proposal, owns or in which he has any interest or estate, is situate;
- (c) "farmer" means a farmer within the meaning of the Act and with reference to a proposal includes the personal representative of a deceased farmer and the personal representative appointed to administer the affairs of a farmer who is mentally incompetent, where such personal representative may file a proposal under the Act;
- (d) "Registrar" means the Registrar of the Appeal Court;
- (e) words and expressions have the same meaning as in the Act and the expression "Official Receiver" refers to the Official Receiver in his capacity as trustee and custodian as well as Official Receiver.

2. Forms in the appendix to these rules and regulations where applicable, or forms to the like effect with such variations as may be required, shall be used under the Act, and where no special form is therein prescribed, the forms prescribed under the Bankruptcy Act may be used with such variation as circumstances may require.

3. The provisions contained in the forms and tariff in the appendix to these rules and regulations shall be deemed to be authorized by these rules and regulations and a reference in these rules and regulations to a form by letter only, means such form in the said appendix.

4. Provisions of the general rules made under the Bankruptcy Act shall apply to proceedings under the Act unless inconsistent with these rules and regulations, in which case they shall not apply to proceedings under the Act.

**COMPOSITIONS, EXTENSIONS AND ARRANGEMENTS**

5. A proposal may be signed by the farmer or his duly authorized agent.

6. A farmer or his duly authorized agent shall, at the time of filing a proposal with the Official Receiver, complete and file with the Official Receiver a true statement of the affairs of the farmer in form A verified by the farmer or by his duly authorized agent by statutory declaration.

7. When required to do so the Official Receiver shall assist in preparing the statement of affairs and the proposal, on information furnished the Official Receiver by the farmer or his duly authorized agent.

8. The Official Receiver shall forthwith, upon a proposal and a statement of affairs being filed with him by or on behalf of a farmer file in the Court or send by registered post to the Clerk of the Court and file with or send by registered post to the Registrar of each appropriate Land Titles Office a certificate in form K that the farmer has made a proposal and such certificate shall be accepted as evidence in any court.

**Farmers' Creditors Arrangement Act—continued**

9. The Official Receiver shall when he has fixed a date for a meeting of the creditors, send by registered post to every known creditor of the farmer not less than twenty days before such date inclusive of the date of mailing,

- (a) a notice in form J of the time and place of the meeting;
- (b) a copy of a statement of affairs of the farmer in form A;
- (c) a copy of the proposal of the farmer;
- (d) a proof of debt form in form G;
- (e) a voting letter in form H; and
- (f) a proxy form in form I.

10. The Official Receiver shall send by registered post to the farmer at least twenty days' notice of the time and place of meeting, the day of mailing to count as the first day of notice.

11. If the Official Receiver or the Court deems it advisable, personal service may be effected of any form required to be served under these rules or of a form necessary to give notice of the proceedings relating to a proposal to a creditor of a farmer.

12. The Official Receiver shall obtain an abstract of the title of the lands of a farmer, a general register certificate in respect of the farmer, a certificate from each appropriate Registry Office for the filing of bills of sale, chattel mortgages, executions and other charges in respect of the personal property of the farmer and tax certificates or tax statements relating to the property of the farmer.

13. The farmer shall attend at every meeting of the creditors unless his failure to attend is excused by resolution passed at any meeting he fails to attend; but the court shall not decline to formulate a proposal for the farmer by reason only of his failure to attend a meeting and of the omission of the creditors to excuse his attendance thereat if it is otherwise required to do so under the Act and in accordance with these rules and regulations and if it is satisfied that the failure of the farmer so to attend at the meeting was for any cause deemed by it sufficient to excuse his attendance.

14. The Official Receiver shall preside at every meeting of the creditors and shall keep minutes thereof in form B and record therein the names of creditors present in person or by proxy and how such creditor votes on any business of the meeting and in the case of voting by letter he shall attach the voting letter to the minutes.

15. (1) The Official Receiver shall keep a record of all proceedings before him pursuant to a proposal which shall include the proposal and the statement of affairs filed with him, all proofs of debts filed with him, all certificates obtained by him under rule twelve of these rules, any counter proposal or amendments proposed at a meeting or otherwise, the minutes of every meeting kept by him as hereinbefore provided, and any approval or concurrence given by a creditor in writing or representations made by a creditor in writing.

(2) The Official Receiver shall keep a duplicate copy of the record of the proceedings before him for his own use but any reference hereafter in these rules and regulations to the record of the proceedings before him means the original record thereof kept in accordance with paragraph one of this rule.

**Farmers' Creditors Arrangement Act—continued**

## APPROVAL OF PROPOSAL

**16.** (1) Where at a meeting of creditors or at an adjourned meeting of creditors a majority in number of the unsecured creditors present in person or by proxy at such meeting or voting thereat by letter, the said majority in number holding three-quarters in amount of the unsecured debts so represented in person or by proxy or by voting letter at the meeting, resolve to approve the proposal either as made by the farmer or as amended with the concurrence of the farmer it shall be deemed to be approved by the unsecured creditors.

(2) The concurrence of a secured creditor may be given in writing prior to, at or after a meeting or adjourned meeting of creditors.

(3) A meeting may be adjourned for the purpose of securing the approval or concurrence of a creditor to a proposal made at the meeting and the creditor may by letter to the Official Receiver approve or concur in the proposal and such approval or concurrence shall be deemed to have been given at the meeting.

**17.** (1) Where a proposal either as made by the farmer or as amended with the concurrence of the farmer, is approved by the unsecured creditors and concurred in by the secured creditors, if any, the Official Receiver shall file in the court the record of the proceedings before him and a report in form C signed by him and shall forthwith apply to the court to approve the composition, extension of time or scheme of arrangement therein proposed.

(2) The filing of form C by the Official Receiver shall be accepted by the court as sufficient proof, unless the contrary is proved, that all creditors of the farmer have been advised of the proceedings under the Act as prescribed by the Act and by these rules and regulations.

**18.** (1) Where a proposal has been unanimously approved by the unsecured creditors present in person or by proxy or voting by letter at a meeting or adjourned meeting and the required concurrence of every secured creditor has been obtained, no notice of the application by the Official Receiver to the court for approval of the composition, extension of time or scheme of arrangement therein proposed shall be given to the creditors.

(2) Where the unsecured creditors have not given unanimous approval aforesaid, the Official Receiver shall give at least seven days' notice in Form D by registered post of the application to the Court for approval aforesaid to the unsecured creditors present in person or by proxy or voting by letter at any meeting.

(3) A certificate by the Official Receiver that unanimous consent aforesaid was given or that every secured creditor has concurred in the proposal, or that notice of the application was given to the farmer and to the unsecured creditors under paragraph two of this rule shall be accepted by the court as evidence thereof.

**19.** (1) Where the court makes an order approving a composition, extension of time or scheme of arrangement, the Official Receiver shall forthwith send a notice of the making of such order in form M together with a copy of the composition, extension of time or scheme of arrangement so approved, by registered post to the farmer and to each of the creditors and shall forthwith cause a notice of the making of such order in form M and a copy of the composition, extension of time or scheme of arrangement so approved, certified by him to be a true copy, to be filed with the Registrar of each appropriate Land Titles Office.



**Farmers' Creditors Arrangement Act—continued**

(2) Where the court makes an order refusing to approve a composition, extension of time or scheme of arrangement, the Official Receiver shall forthwith send a notice of the making of such order in form M by registered post to the farmer and to each of the creditors.

PROPOSAL NOT APPROVED

**20.** Where at any meeting of creditors convened by the Official Receiver to consider a proposal or at any adjournment thereof, sufficient creditors are not present in person or by proxy or are not represented thereat by voting letter to hold a duly constituted meeting, the proposal of the farmer shall be deemed not to have been approved by the creditors.

**21.** (1) Where a proposal made by a farmer, or as amended with the concurrence of the farmer, is not approved by the unsecured creditors or is not concurred in by a secured creditor or the composition; extension of time or scheme of arrangement therein proposed is not approved by the court, the farmer or any creditor may, within twenty days

- (a) from the date of the meeting at which such proposal was not approved or concurred in, or
- (b) where a meeting was adjourned to obtain the approval or concurrence of a creditor or creditors, from the date of mailing of notice to the farmer of the last dissent from the proposal by a creditor, or
- (c) from the date of posting to him of the notice in form M of the order of the court refusing to approve the composition, extension of time or scheme of arrangement

sign and deliver to the Official Receiver a request in form F that the court endeavour to formulate a proposal.

(2) Upon delivery of such request to him the Official Receiver shall forthwith send a notice in form N by registered post to the farmer and to each of the creditors, other than the person signing such request, and shall forthwith cause such request and a certificate that the said notice in form N has been sent in the manner prescribed in this rule indicating the persons to whom it was sent, to be filed in the court together with the record of the proceedings before him and a report on such proceedings in form E.

(3) Upon the said request, certificate, record and report being filed in the court the Official Receiver shall not thereafter be barred, by reason of having acted as Official Receiver in respect of the proposal, from engaging in any way in his usual business or profession.

**22.** (1) Where a proposal made by a farmer, or as amended with the concurrence of the farmer, is not approved by the unsecured creditors or concurred in by a secured creditor, or the composition, extension of time or scheme of arrangement therein proposed is not approved by the court, if the farmer or any of the creditors does not within the period fixed by rule twenty-one of these rules sign and deliver to the Official Receiver a request in form F that the court endeavour to formulate a proposal, the court shall, on the application of the Official Receiver, the farmer or any creditor and after such notice to such parties as the court directs, by order decline to formulate a proposal for the farmer.

(2) The court shall in any such order direct that the registration of any certificate in form K registered in a Land Titles Office pursuant to the



**Farmers' Creditors Arrangement Act—continued**

proposal filed by such farmer be vacated and upon registration of such order in a Land Titles Office in which the said certificate is registered, the said registration shall be vacated.

**FORMULATION OF PROPOSAL BY COURT**

**23.** The court shall fix such time and place for a hearing in respect of a proposal as it deems most suitable for the convenient and expedient disposition of the proposal and may order that the whole or any part of the hearing be held or completed either in court or in chambers at such time and place as it appoints and shall then have the same power with reference thereto as if such hearing had taken place at a regular sitting of the court.

**24.** The Clerk of the court shall give in form O by registered post not less than twenty days' notice of the time and place of the commencement of the hearing to the farmer and to each of the creditors appearing from the record of the Official Receiver, the day of mailing to count as the first day of notice.

**25.** (1) The court shall not proceed with the hearing or any adjourned hearing if the farmer is not present unless it is satisfied that the farmer is unable by reason of illness or for any other reason which appears to it to be sufficient, to attend at the hearing.

(2) The court may order the farmer to attend at any hearing before it and may direct such order to be served on the farmer by registered post or otherwise as it sees fit and if upon such order being served upon him the farmer fails to attend before it the court may by order decline to formulate a proposal.

**26.** A creditor may file written representations by way of argument without attending at the hearing; but such representations shall, unless the court gives leave for the filing thereof at a later date, be filed in the court on or before the date of the hearing but shall not be open to examination by or on behalf of any other party interested in the proposal until the time of the hearing.

**27.** The court may require the farmer or a creditor, in the place of or in addition to giving evidence, to make admissions in so far as it is expedient and practicable so to do.

**28.** (1) Evidence may be given by way of affidavit at any hearing before the court.

(2) Any such affidavit may be filed before or at the hearing and may include statements on belief with the grounds therefor.

(3) The court may accept written evidence of the value of the farmer's property and assets which need not be under oath.

(4) Where an appraisal of the lands and farm of the farmer is made by an appraiser of the land appointed under the Act, the report of such appraiser shall be filed in the court as part of the record.

**29.** (1) No notes of the evidence given at any hearing with respect to a proposal or for the purpose of deciding any question necessary to dispose of or to formulate a proposal shall be required to be taken in shorthand and the judge of the court shall take such notes of the evidence as may be required to reproduce the same in substance and effect.

**Farmers' Creditors Arrangement Act—continued**

(2) The court may permit the whole or any part of the evidence at a hearing to be taken down by a competent shorthand reporter furnished by any person interested in a proposal at his own expense, which reporter shall be sworn to take down correctly and, if required, to extend truly his notes of the evidence to form part of the record.

**30.** The court may adjourn the hearing from time to time for such time and to such places as it, in its discretion, deems expedient or advisable in order to enable it to deal adequately with a proposal.

**31.** Where there is any dispute between the farmer and any creditor or between any two or more creditors concerning any question of fact or law which does not involve all parties interested in the proposal, the court may proceed with the hearing and give such directions as to the manner in which such question shall be decided as it sees fit or may adjourn the hearing until such question has been decided or until an appeal from any decision of the court thereon has been heard and determined.

**32.** Where the court makes an order declining to formulate a proposal the Clerk of the court shall forthwith send a notice of the making of such order in form Q to the farmer and to each of the creditors and shall cause a notice of the making of such order in form Q to be filed with the Registrar of each appropriate Land Titles Office.

**33.** (1) A proposal formulated by the court shall be signed by the judge and shall be filed in the court.

(2) Upon the filing of a proposal formulated by the court the Clerk of the court shall forthwith send a copy of the proposal by registered post to the farmer and to each of the creditors together with a notice in form P.

(3) The court may, at any time before confirmation of the composition, extension of time or scheme of arrangement contained in a proposal formulated by it, amend such composition, extension of time or scheme of arrangement without notice to the farmer or any of the creditors.

**34.** Where the court makes an order confirming a composition, extension of time or scheme of arrangement contained in a proposal formulated by it, or as amended by it, the Clerk of the court shall forthwith send a notice of the making of such order in form Q together with a copy of the amendments, if any, to the composition, extension of time or scheme of arrangement contained in the proposal formulated by the court, by registered post to the farmer and to each of the creditors and shall forthwith cause a notice of the making of such order in form Q together with a copy of the composition, extension of time or scheme of arrangement confirmed by the court, certified by him to be a true copy, to be filed with the Registrar of each appropriate Land Titles Office.

**35.** Except in so far as these rules and regulations expressly otherwise provide or are inconsistent therewith, the general practice and procedure of the court in civil actions and proceedings shall be applicable in respect of any hearing or application before it under the Act.

MANITOBA

**36.** Where in the province of Manitoba the Official Receiver is a person other than the Clerk of the court, the Official Receiver shall perform the duties of the Clerk of the court under rules twenty-one, twenty-

**Farmers' Creditors Arrangement Act—continued**

four, thirty-two, thirty-three, thirty-four and forty of these rules and regulations.

**CARRYING OUT OF PROPOSALS STAYED**

**37.** No steps shall be taken or payments made to give effect to the terms of any composition, extension of time or scheme of arrangement approved or confirmed by the court until the time for appeal as hereinafter provided has expired, or if an appeal is taken from the order of the court approving or confirming such proposal, until the judgment of the Appeal Court has been given.

**APPEALS**

**38.** (1) An appeal may be brought by the farmer or by a creditor by filing a notice in form R with the Clerk of the court, which notice shall set out the reasons for the appeal and shall be filed

- (a) if the appeal is from an order approving or confirming or refusing to approve or confirm a composition, extension of time or scheme of arrangement, within thirty days after the mailing of form M or form Q, as the case may be, to the farmer or the creditor; or
- (b) in the case of any other order or judgment of the court, within thirty days of the date thereof.

(2) The Judge of the Appeal Court may extend the time for filing a notice of appeal on application made, *ex parte*, either before or after the expiration of the time therefor fixed in this rule.

**39.** Upon a notice of appeal being filed the judge of the court shall cause to be filed with the Clerk of the court, in duplicate, the report required to be made by him by section twenty-five of the Act in respect of the judgment or order appealed from together with a certified copy of his notes of the evidence on the hearing pursuant to which such order or judgment was given.

**40.** When the notice of appeal and report have been filed with the Clerk of the court, the Clerk shall forward the notice of appeal, one copy of the judge's report and the record of all proceedings before the Official Receiver and before the court to the Registrar.

**41.** When he has received a notice of appeal and the judge's report and record of proceedings in connection therewith, the Registrar shall send by registered post to the farmer and the creditors a notice in form S.

**42.** The Registrar shall, if requested by the Judge of the Appeal Court, obtain on behalf of the Appeal Court an appraisal of the lands and farm of the farmer by an appraiser of land appointed under the Act.

**43.** Unless the Judge of the Appeal Court otherwise orders, the Registrar shall give not less than twenty days' notice in form T by registered post of the time and place of the hearing of an appeal to such of the parties interested in the proposal or in any composition, extension of time or scheme of arrangement approved or confirmed pursuant to a proposal as may be affected by the appeal, the date of mailing to count as the first day of notice.

**44.** A certificate of the Registrar that notice has been given to all parties affected by the appeal shall be accepted as evidence that such notice has been given.



**Farmers' Creditors Arrangement Act—continued**

**45.** The appellant shall not be required to furnish any appeal book nor shall any party to the appeal be required to file any factum.

**46.** A judgment of the Appeal Court shall be signed by the Registrar.

**47.** The Registrar shall cause a certified copy of a judgment of the Appeal Court to be filed with the Registrar of each appropriate Land Titles Office and to be sent by registered post to the Clerk of the court appealed from together with the record of all proceedings before the Appeal Court in respect of the appeal.

**ASSIGNMENTS AND RECEIVING ORDERS**

**48.** When an assignment is offered to the Official Receiver by a farmer, he shall satisfy himself that the assignor is a farmer residing within the county court district or judicial district in respect of which the Official Receiver has authority, and shall require the assignor to complete a preliminary short statement of his affairs in form V, whereupon the Official Receiver shall accept the assignment and complete the same by inserting therein as grantee his own name as trustee.

**49.** In the event of a receiving order being made against a farmer under subsection three of section twenty-nine of the Act, the court shall appoint as custodian and trustee an Official Receiver having authority as such under the Act, in the county court district or judicial district in which the farmer resides.

**50.** Whenever an assignment or receiving order has been made by or against a farmer, the Official Receiver shall advertise for creditors once in a local newspaper.

**51.** The administration of an estate of a farmer, who has made an assignment or against whom a receiving order has been made, by a trustee under the Act shall be subject to the same supervision by the Superintendent of Bankruptcy as estates being administered under the Bankruptcy Act.

**52.** In the case of an assignment or receiving order being made by or against a farmer, if a sufficient number of creditors are not present in person or by voting letter or proxy at the first meeting of creditors or at an adjournment thereof to hold a duly constituted meeting, or if an inspector or inspectors are not appointed thereat, the trustee, after fifteen days' notice in writing to the farmer of his intention to sell or dispose of the assets, may sell or dispose of the assets as he may deem expedient by tender, private or public sale.

**53.** Where assets are held as security by any creditor of a farmer who has made an assignment or against whom a receiving order has been made, and it is necessary for the trustee to provide for the care and maintenance of live stock or to protect other assets, the trustee shall notify the secured creditor by any means to bring the fact thereof to the knowledge of the secured creditor and if the secured creditor does not forthwith make provision or agree to reimburse the trustee for any expense incurred therefor, the trustee may do so, whereupon any costs or expenses incurred thereby shall be a first charge against such live stock or assets in preference and priority to the claims of such secured creditor.

**54.** If the complete realization of the assets of a farmer who has made an assignment or against whom a receiving order has been made, is likely



**Farmers' Creditors Arrangement Act—continued**

to be unavoidably and unduly delayed, the Superintendent of Bankruptcy may require the trustee to prepare an interim statement of receipts and disbursements and to pay an interim dividend to the creditors.

**55.** When the trustee of the estate of a farmer who has made an assignment or against whom a receiving order has been made, has realized upon all the assets and settled all matters or claims in dispute he shall prepare forthwith a final statement of receipts and disbursements and a dividend sheet, in duplicate, and forward the same to the Superintendent of Bankruptcy for approval and, on the return thereof by the Superintendent duly approved, the trustee shall forthwith send to the creditors by registered post a copy of the statement of receipts and disbursements and of the dividend sheet, and a notice in form Y that on a date stated therein, not less than fifteen days from the mailing thereof, he will distribute the dividends if no objection is received before the date fixed therefor, and further that on a further date stated therein not less than twenty days thereafter he will apply to the Superintendent of Bankruptcy for his release.

**56.** Any creditor objecting to the final statement or dividend sheet, or to the conduct of the trustee in the administration of the estate may forward objections in writing to reach the Superintendent of Bankruptcy and the trustee at least two days prior to the date fixed for consideration of the application of the trustee for his release. On consideration of such evidence as may be submitted in regard thereto by the creditor and the trustee and the evidence submitted in regard to the administration of the estate, the Superintendent of Bankruptcy shall either grant or withhold the release accordingly, subject nevertheless to an appeal to the court, by the trustee or any objecting creditor within six days after receiving notice of the decision of the Superintendent of Bankruptcy.

**57.** Before the date fixed in the notice of intention to apply for his release the trustee shall forward to the Superintendent of Bankruptcy a copy of the notice in form Y, together with an affidavit verifying his administration in form Z and such further proof as the Superintendent of Bankruptcy may require that the dividends have been paid and that the estate has been fully and properly administered.

**58.** A release shall relieve the trustee from all further duties and obligations in regard to the estate, but shall not preclude the trustee from taking possession of and administering any other assets that may not have been administered or that the farmer may acquire before he shall have obtained his discharge.

**59.** Specifically, Rule 109 of the Bankruptcy Rules shall not apply to any proceedings under the Act.

**GENERAL**

**60.** Where a party interested in a proposal is a corporation, it may appear and be heard by the court by its agent or employee.

**61.** The Official Receiver may in the case either of a proposal, assignment or receiving order apply to the court for directions.

**62.** Any application to the court by an Official Receiver may be made, *ex parte*, unless the court otherwise directs.

**Farmers' Creditors Arrangement Act—continued**

**63.** Where an application is made to the court under section eight, section thirteen or section thirty-eight of the Act, the court may give such directions as to service of notice of the application and as to the hearing of the argument in respect thereof as it deems necessary properly to dispose of such application or may, if it deems it expedient so to do, hear such application *ex parte*.

**64.** The Official Receiver may in the case of a proposal require a creditor to furnish additional proof of his claim or to apply to the court summarily to prove his claim.

**65.** No bond or other security shall be required to be given by any Official Receiver in his capacity as custodian or trustee unless the Minister in any case or class of cases decides otherwise, and in such an event the Minister, for the benefit of the creditors, may require a bond to be given to him on behalf of one or all Official Receivers, and may fix the amount of any such bond.

**66.** No fee or disbursements other than those provided in the tariff set out in the appendix to these rules and regulations shall be payable to an Official Receiver either in his capacity as such or as trustee or custodian.

**67.** The office of the Official Receiver shall be at such place as the Official Receiver fixes by the notice calling the meeting of creditors.

**68.** The Official Receiver shall in the case of every proposal forward to the Deputy Minister of Finance a completed copy of the forms A, B, C, E, F, J, K, and the farmer's proposal as and when the same is completed and shall furnish to the Deputy Minister of Finance any information required by him in connection with any or all proposals, assignments or receiving orders.

**69.** Any affidavit or statutory declaration required to be sworn or taken under the Act may be sworn or taken by an Official Receiver appointed pursuant to the provisions of the Act.

**70.** A proposal filed with an Official Receiver and a request that the court endeavour to formulate a proposal filed subsequent to a meeting of creditors called in consequence thereof shall not be refused consideration by the court or the Appeal Court only on the grounds that the record or any part thereof is contained on forms prescribed by the rules and regulations under The Farmers' Creditors Arrangement Act, 1934, and the said forms shall be deemed to be authorized by these rules and regulations.

**71.** A notice or certificate purporting to be signed by an Official Receiver, a Clerk of the court or a Registrar shall be *prima facie* evidence for all purposes of any fact or facts certified to therein as correct without proof of the signature or of the appointment of the Official Receiver, Clerk or Registrar by whom it purports to have been signed.

**72.** A Registrar may issue a certificate under his hand authorizing the Registrar, District Registrar or other officer in charge of any Land Titles Office or other office wherein any registration, filing or deposit under The Farmers' Creditors Arrangement Act, 1934, or the Act has been made, to vacate, remove or release such registration, filing or deposit.

**73.** Where a debt owing by a farmer has not been disclosed at the time an order is made by the court or Appeal Court approving or confirming a

**Farmers' Creditors Arrangement Act—continued**

composition, extension of time or scheme of arrangement, the creditor shall be entitled to be paid by the farmer on the same terms and conditions as other creditors of the same class as provided in the composition, extension of time or scheme of arrangement so approved or confirmed: Provided that where the creditor is not satisfied therewith he may make application to the court and the farmer will be bound by the order of the court; but no order of the court shall treat the claim of any such creditor more favourably than the claims of similar creditors in the same class under the composition, extension of time or scheme of arrangement. In the event of any such application, the farmer and the Official Receiver and the other creditors shall be given at least five days' notice of the date and time of hearing of the application.

**74.** The Registrar shall, in so far as he is able to do so, furnish clerical or other assistance to the court or to the Clerk of the court.

**75.** Documents and material required to be filed in the court or in any Land Titles Office in accordance with these rules and regulations may be filed by being sent by registered post to the Clerk of the court or to the Registrar of such Land Titles Office for such purpose.

**CONTINUATION OF PROCEEDINGS**

**76.** (1) Where pursuant to a proposal made under The Farmers' Creditors Arrangement Act, 1934, a request has been made before the commencement of the Act for the formulation of a proposal by the Board of Review under The Farmers' Creditors Arrangement Act, 1934, pursuant to which no composition, extension of time or scheme of arrangement has been approved by the court or confirmed by the Board of Review or the Board of Review had not declined to formulate a proposal, the Registrar of the said Board of Review shall send such request and the record of the proceedings to the Official Receiver with whom such proposal should have been filed if it had been made under this Act.

(2) The Official Receiver shall ascertain whether any amendment should be made to such proposal.

(3) Where no amendment is required to be made to such proposal or when any necessary amendment has been made thereto, the Official Receiver shall file the request for formulation of a proposal, the record of the proceedings pursuant to the proposal including any proceedings relating to any amendment made thereto pursuant to this rule, and the certificate required to be filed by him by paragraph two of rule twenty-one of these rules and regulations in the court and all proceedings in connection therewith shall be continued under the Act and these rules and regulations in the manner prescribed by the Act.



**Farmers' Creditors Arrangement Act—continued**

APPENDIX

**Part I—Forms**

**FORM A**

THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943

STATEMENT OF AFFAIRS

**General Title (Form U)**

1. Is your principal occupation farming?
2. Are you unable to meet your liabilities as they become due?  
Did you make a proposal under The Farmers' Creditors Arrangement Act, 1934?

4. Give names, addresses and amounts of claims of creditors.

Name	Secured Amount	Nature of Claim
Name	Unsecured Amount	Nature of Claim

(Indicate separately all debts incurred on or after May 1, 1935)

5. Give description and location of farm. Value \$
6. Give list of live stock. Total \$
7. Give list of implements, machinery and other personal property.  
Total value \$
8. What is the gross productive value of these assets?
9. What is the cost of production?
  - (a) Hired labour?
  - (b) Fertilizer?
  - (c) Fuel oil?
  - (d) Twine or baskets?
  - (e)
10. How much crop of each kind was raised on the land
  - in the year 19.....
  - in the year 19.....
  - in the year 19.....
11. What is your present or prospective capability of meeting existing obligations?
12. Are you married or single? If married, number of children, sex and ages.
13. What other property have you?
14. How long have you farmed?
15. Where have you farmed?
16. How long have you operated your present farm?
17. How much of your farm is tillable?



**Farmers' Creditors Arrangement Act—continued**

- 18. How much is under cultivation?
- 19. In what state of cultivation is the land?
- 20. In what condition are your buildings?
- 21. What is the cause of your financial difficulties?

I, ..... of .....  
in the county court district or judicial district of .....  
in the Province of .....do solemnly declare that the above  
statement gives to the best of my knowledge and belief a full, true and com-  
plete statement of my affairs on this ..... day of .....  
19.... and fully discloses all my property, and I make this declaration  
knowing it to be of the same force and effect as if made under oath and by  
virtue of the Canada Evidence Act.

Solemnly declared before me at.....in the  
county court district or judicial district of .....in the  
Province of .....this..... day of  
..... 19....

.....  
*A Commissioner, etc.*

**FORM B**

**THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

**MINUTES OF A MEETING OF CREDITORS**

**General Title (Form U)**

.....Chairman  
Creditors present in person or by proxy.

Secured			
Name	Represented by	Nature of Claim	Amount proved
Unsecured			
Name	Represented by	Nature of Claim	Amount proved

Voting letters received.  
Resolution respecting proposal.  
Creditors assenting      Names      Creditors dissenting      Names  
Was any counter proposal or amendment proposed, and if so what?  
Other business

Dated at ..... in the county court district or judicial  
district of ..... in the Province of .....  
this ..... day of ..... 19....

.....  
*Official Receiver.*

Approved at.....in the Province of.....  
this .....day of .....19....

.....  
Judge of the.....Court  
of the.....of.....

**Farmers' Creditors Arrangement Act—continued**

**FORM C**

THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943

REPORT OF OFFICIAL RECEIVER

**General Title (Form U)**

I, ..... of ..... in the county court district or judicial district of ..... in the Province of ..... Official Receiver, respectfully report to the court as follows:

1. That the above-named farmer did on the ..... day of ..... lodge with me a proposal, a true copy whereof is attached to this report.

2. That on the ..... day of ..... notice was given by registered post to every known creditor of calling of the meeting of creditors to be held on the ..... day of ..... 19.... to consider the said proposal. A true copy of the farmer's statement of affairs was sent with each notice and a copy of the statement of affairs is attached hereto.

3. That the said meeting of creditors was duly held on the ..... day of ..... 19....

4. That a true copy of the minutes of said meeting is attached hereto.

5. That in my opinion the cause of the financial difficulties of the farmer is:

6. That in my opinion the dissenting creditors (if any) opposed the proposal for the following reasons:

Dated at ..... this ..... day of ..... 19....

.....  
*Official Receiver.*

**FORM D**

THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943

NOTICE OF APPLICATION FOR APPROVAL OF PROPOSAL

**General Title (Form U)**

Take notice that application will be made to ..... in chambers at ..... on the ..... day of ..... 19...., at ..... o'clock in the ..... noon to approve the composition (or extension or scheme of arrangement) duly accepted by the statutory majority of creditors.

Dated this ..... day of ..... 19....

.....  
*Official Receiver.*

To .....  
.....

**Farmers' Creditors Arrangement Act—continued****FORM E****THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943****REPORT OF OFFICIAL RECEIVER TO THE COURT****General Title (Form U)**

I, ..... of .....  
 in the Province of ..... Official Receiver for the .....  
 of ..... respectfully report to the Court as follows:—

1. That the above-named farmer did on the ..... day of .....  
 lodge with me a proposal, the original whereof is attached to this report.

2. That on the ..... day of ..... notice was  
 given by registered post to every known creditor of calling of the meeting of  
 creditors to be held on the ..... day of ..... 19.... to consider the  
 said proposal. A true copy of the farmer's statement of affairs was sent  
 with each notice and the original statement of affairs is attached hereto.

3. That the said meeting of creditors was duly held on the ..... day of  
 ..... 19....

4. That a true copy of the minutes of said meeting is attached hereto.

5. That no composition, extension of time or scheme of arrangement  
 was

(a) approved by the unsecured creditors thereat, or

(b) concurred in by the secured creditors.

Dated at ..... this ..... day of ..... 19....

.....  
*Official Receiver.*

**FORM F****THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943****REQUEST FOR FORMULATION OF PROPOSAL BY COURT****General Title (Form U)**

I, ....., the above-mentioned farmer, or  
 ....., a creditor of the above-mentioned farmer, request  
 that the Court endeavour to formulate an acceptable proposal for a com-  
 position, extension of time or scheme of arrangement herein.

Dated at ..... this ..... day of ..... 19....

.....  
*Farmer or Creditor.*

**Farmers' Creditors Arrangement Act—continued**

**FORM G**

**THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

**PROOF OF DEBT**

**General Title (Form U)**

I, ..... of the .....  
of ..... in the Province of .....  
do solemnly declare and say:

1. That I am the ..... of the undermentioned creditor  
and have knowledge of all circumstances connected with the debt hereinafter  
referred to.

2. That the said ..... was at the date of the filing  
of proposal or authorized assignment (or receiving order) namely, the .....  
day of ..... 19...., and still is justly and truly indebted to  
..... in the sum of ..... as  
shown by the account hereto annexed and marked "A".

(A)

3. That the said ..... has not, nor has any person  
by his order to my knowledge or belief for his use, had or received any  
manner of satisfaction or security whatsoever save and except the following:

AND I MAKE this solemn declaration conscientiously believing it to  
be true and knowing that it is of the same force and effect as if made under  
oath and by virtue of the Canada Evidence Act.

DECLARED before me at the	}	..... A Creditor.
..... of .....		
in the Province of .....		
this ..... day of .....		
..... A.D., 19....		
..... A Commissioner, etc.		

**FORM H**

**THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

**VOTING LETTER**

**General Title (Form U)**

I, ..... of the .....  
of ..... in the Province of .....  
a creditor for the sum of \$..... hereby record my vote  
in favour of

(as the case may be) the acceptance of the proposal of the said  
against

farmer, (a) or as altered or modified at the meeting of creditors to be held  
therein.



**Farmers' Creditors Arrangement Act—continued**

Dated at ..... this ..... day of ..... 19....

Witness .....

Address .....

To ..... (Creditor sign here)

*Official Receiver.*

N.B.—If the creditor signing the voting letter is willing to accept any change made in the proposal at the meeting (a) may be left in, otherwise it should be struck out.

Creditors are nevertheless urgently requested to attend the meeting in person.

**FORM I****THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943****PROXY****General Title (Form U)**

I, ..... of the ..... of .....  
in the Province of ....., a creditor, hereby appoint .....  
of the ..... of ..... in the  
Province of ..... to be my (or our) proxy  
at the meeting of creditors to be held on the ..... day of .....  
19...., or any adjournment thereof, to vote.

.....  
(Creditor sign here)

Dated at .....

this ..... day of ....., 19....

Witness .....

Address .....

**FORM J****THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943****NOTICE TO CREDITORS****General Title (Form U)**

Take notice that....., residing in  
the county court district or judicial district of.....,  
in the Province of..... has submitted to me for the con-  
sideration of his creditors a proposal for a composition or extension of  
time or scheme of arrangement. A general meeting of creditors will be  
held at..... on the ..... day of .....  
19...., at the hour of..... o'clock in the ..... noon.

Dated at ..... this ..... day of .....  
19....

.....  
*Official Receiver.*

To.....

.....

**Farmers' Creditors Arrangement Act—continued**

**FORM K**

**THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

**OFFICIAL RECEIVER'S CERTIFICATE**

**General Title (Form U)**

I, ....., Official Receiver for and in the county court district or judicial district of..... in the Province of.....certify that..... farmer, resident in the said county court district or judicial district did on the.....day of.....19.... submit to me a proposal for a composition or extension of time or scheme of arrangement.

Dated at.....this.....day of..... 19....

.....  
*Official Receiver.*

**FORM L**

**THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

**FARMER'S PROPOSAL**

**General Title (Form U)**

I PROPOSE:

(Signed).....

Dated at.....  
this.....day of....., 19....

Witness .....

**FORM M**

**THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

**NOTICE OF ORDER OF COURT APPROVING/REFUSING TO  
APPROVE A COMPOSITION, EXTENSION OF TIME  
OR SCHEME OF ARRANGEMENT**

**General Title (Form U)**

Take notice that, pursuant to the above-mentioned proposal, a composition, extension of time or scheme of arrangement approved by the above-named farmer and approved and concurred in by or on behalf of his creditors was approved/not approved by the..... Court for the.....district of..... in the Province of.....by order dated the..... day of.....19....

(a) And further take notice that the registration of certificate in form K registered pursuant to the above-mentioned proposal is vacated.

NOTE.—Words inapplicable to be struck out by the Official Receiver.

.....  
*Official Receiver.*

**Farmers' Creditors Arrangement Act—continued**

(If the court refused its approval, a request for the court to formulate a proposal may be made if signed and filed with the Official Receiver within twenty days of the mailing of this notice.)

If the court refuses its approval, paragraph (a) to be struck out by the Official Receiver.

**FORM N****THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943****NOTICE OF REQUEST FOR FORMULATION OF  
PROPOSAL BY COURT****General Title (Form U)**

Take notice that a written request has been received from.....  
....., the above-mentioned farmer or a creditor of  
the above-mentioned farmer, that the Court endeavour to formulate an  
acceptable proposal for a composition, extension of time or scheme of  
arrangement of the affairs of the said farmer.

A further notice giving the time and place of the hearing by the Court  
will be sent to you in due course.

Dated at.....this.....day of.....  
19....

To.....

.....

.....  
*Official Receiver.*

**FORM O****THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

In the Province } In the.....Court of the  
of..... } .....District of.....

**General Title (Form U)****NOTICE OF HEARING BY COURT**

Take notice that the written request of the above-mentioned farmer  
or a creditor of the above-mentioned farmer, that the Court endeavour to  
formulate an acceptable proposal for a composition, extension of time or  
scheme of arrangement of the affairs of the said farmer, will be dealt with  
by the Court at....., in the.....  
of....., Province of....., on  
.....day, the.....day of....., 19....,  
at the hour of.....o'clock in the.....noon.

Dated at.....this.....day of.....19..  
To.....

..... Clerk of the.....Court of the  
.....District of.....

**Farmers' Creditors Arrangement Act—continued**

**FORM P**

**THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

In the Province } In the.....Court of the  
of..... } .....District of.....

**General Title (Form U)**

**NOTICE OF FORMULATION OF PROPOSAL**

A request having been made by the above-mentioned farmer or a creditor of the above-mentioned farmer to the Court to endeavour to formulate an acceptable proposal to be submitted to the creditors and the farmer; and the Court having formulated such a proposal, copy of which is hereto attached, you are hereby required to assent or dissent to the same in writing within twenty days from the posting of this notice, and in the event of your dissenting your reasons should be clearly stated. After expiration of the said period of twenty days a proposal may be confirmed by the Court without further notice to you.

Dated and Posted at....., this.....day  
of..... 19....

To.....

.....  
.....  
.....  
.....  
.....  
.....  
.....

.....  
Clerk of the.....Court of the  
.....District of.....

**FORM Q**

**THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

In the Province } In the.....Court of the  
of..... } .....District of.....

**General Title (Form U)**

**NOTICE OF ORDER OF COURT CONFIRMING PROPOSAL  
OR DECLINING TO FORMULATE PROPOSAL**

A request having been made by the above-mentioned farmer or a creditor of the above-mentioned farmer to the Court to endeavour to formulate an acceptable proposal to be submitted to the creditors and the farmer and the Court having

- (a) heard the evidence and representations of the parties,
- (b) formulated a proposal which has been submitted to the creditors and the farmer,

Take notice that the Court has

- (a) declined to formulate a proposal.
- (b) confirmed a composition, extension of time or scheme of arrangement pursuant to the said request by Order dated the.....day of  
.....19....



**Farmers' Creditors Arrangement Act—continued**

And further take notice that the registration of certificate in form K registered pursuant to the above-mentioned proposal is vacated.

Dated at.....the.....day of.....19....

.....  
Clerk of the.....Court of the

.....District of.....

NOTE.—Words inapplicable to be struck out by the Clerk of the Court.

Rule 38 of the Rules and Regulations made by the Governor in Council under the above-mentioned Act provides:

“38. (1) An appeal may be brought by the farmer or by a creditor by filing a notice in the form R with the Clerk of the court, which notice shall set out the reasons for the appeal and shall be filed

(a) if the appeal is from an order approving or confirming or refusing to approve or confirm a composition, extension of time or scheme of arrangement within thirty days after the mailing of form M or form Q as the case may be, to the farmer or the creditor; or

(b) in the case of any other order or judgment of the court, within thirty days of the date thereof.

(2) The judge of the Appeal Court may extend the time for filing a notice of appeal on application made *ex parte* either before or after the expiration of the time therefor fixed in this rule.”

**FORM R****THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

In the Province } In the ..... Court of the  
of ..... } ..... District of .....

**General Title (Form U)****NOTICE OF APPEAL**

Take notice that ..... the above-mentioned farmer or creditor of the above-mentioned farmer is dissatisfied with the order or judgment of the Court dated the ..... day of ..... 19..., made pursuant to the above-mentioned proposal, and appeals therefrom for the following reasons.

To the .....  
Clerk of the ..... Court of the .....  
..... District of .....

and the

Registrar, Appeal Court for the  
Province of .....

**Farmers' Creditors Arrangement Act—continued**

**FORM S**

THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943

In the Province }	In the Appeal Court for the
of ..... }	Province of .....

**General Title (Form U)**

NOTICE OF APPEAL BEING RECEIVED

Take notice that ..... has appealed from the order of the ..... Court for the ..... District of ..... dated the ..... day of ....., 19.... made pursuant to the above-mentioned proposal.

Such of the parties interested in the proposal as may be affected by the appeal will be given notice of the time and place at which the appeal will be heard.

.....

*Registrar*

Appeal Court for the  
Province of .....

To .....  
.....

**FORM T**

THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943

In the Province }	In the Appeal Court for the
of ..... }	Province of .....

**General Title (Form U)**

NOTICE OF HEARING OF APPEAL

Take notice that the appeal from the order of the ..... Court for the ..... District of ..... dated the ..... day of ..... 19...., made pursuant to the above-mentioned proposal will be heard at ..... on the ..... day of ....., 19...., at the hour of ..... o'clock.

.....

*Registrar*

Appeal Court for the  
Province of .....

**FORM U**

THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943

GENERAL TITLE IN CASE OF A PROPOSAL

In the matter of a proposal for a composition, extension or scheme of arrangement of ..... of ..... in the province of ..... farmer.

**Farmers' Creditors Arrangement Act—continued****FORM V****THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943****PRELIMINARY SHORT STATEMENT OF AFFAIRS**

In the matter of the assignment of ..... farmer, for the general benefit of his creditors (otherwise same as form A only add as additional questions the following:

22. What are the causes of your insolvency?
23. What assets have been disposed of within the past year which are not enumerated above?
24. Have you made any payments or given any security to any of your creditors during the past year other than in the ordinary course of business?)

**FORM W****THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943****ASSIGNMENT FOR THE GENERAL  
BENEFIT OF CREDITORS**

This indenture made (in duplicate) this.....day  
of ..... A.D. 19....

In pursuance of "The Farmers' Creditors Arrangement Act" between  
.....  
hereinafter called "the Debtor" of the first part;  
and  
.....  
hereinafter called "the Trustee" of the second part.

Whereas the Debtor is insolvent and desires to assign and abandon all his property for distribution among his creditors in pursuance of the said Act.

Now therefore this indenture witnesseth that the debtor doth hereby assign, convey and assure unto.....Trustee, and to his successors and assigns forever, all his property which is divisible among his creditors under and by virtue of the said Act.

To have and to hold all the said property unto and to the use of the said Trustee, his successors and assigns, on the trusts and to and for the uses, intents and purposes provided by the said Act.

Signed and sealed at the City of ..... in  
the Province of.....in the presence of.....  
Witness.....

**Farmers' Creditors Arrangement Act—continued**

**FORM X**

THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943

NOTICE TO CREDITORS OF FIRST MEETING FOLLOWING  
ASSIGNMENT OR RECEIVING ORDER

In the matter of the bankruptcy of.....  
debtor.

Notice is hereby given that.....

of.....made an assignment (as the case may be)  
was adjudged bankrupt

on the.....day of.....19....; and that the first  
meeting of creditors will be held at.....on the.....  
day of.....19.... at the hour of.....in the  
.....noon.

To vote thereat proofs of claims and proxies must be filed with me  
prior thereto.

Those having claims against the estate must file same with the under-  
signed before distribution is made; otherwise the proceeds of the estate  
will be distributed among the parties entitled thereto without regard to  
claims not filed.

Dated at.....this.....day of.....  
19....

Address of Official Receiver:  
.....

.....  
*Official Receiver.*

**FORM Y**

THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943

NOTICE OF FINAL DIVIDEND AND APPLICATION OF  
TRUSTEE FOR HIS RELEASE

In the matter of the assignment of.....farmer.

1. Enclosed herewith is a copy of the final statement of receipts and  
disbursements and dividend sheet duly approved by the Superintendent of  
Bankruptcy.

2. Take notice that on the.....day of.....  
19...., dividends on all claims of creditors not objected to before the time  
for payment will be paid.

3. Take further notice that the undersigned trustee will apply to the  
Superintendent of Bankruptcy on the.....day of.....  
19...., at the hour of 10 o'clock in the forenoon to be released from any  
further duties and obligations with respect to the above estate.

4. And take further notice that any objection you may have to make  
to the release of the trustee herein must be forwarded in writing to the  
Superintendent of Bankruptcy at Ottawa, to be received by him at least



**Farmers' Creditors Arrangement Act—continued**

two days prior to the date fixed for consideration of the application of the trustee for his release, and a copy thereof served on the undersigned within the time aforesaid.

5. Take further notice that, if no objection is made, you are required to cash the dividend cheque of the undersigned trustee promptly so that the trustee may include in his affidavit verifying the administration of the estate to the Superintendent proof that all of the dividend cheques have been duly honoured, otherwise the amount of your dividend will be forwarded to the Superintendent of Bankruptcy to be deposited with the Receiver General of Canada and that you will thereafter be required to make application to the Receiver General of Canada for payment of the same.

Dated at.....this.....day of.....  
19....

.....  
Trustee.  
(Address)

**FORM Z****THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943****AFFIDAVIT VERIFYING APPLICATION OF TRUSTEE  
FOR HIS RELEASE**

In the matter of the assignment of.....farmer.

I, ..... the Trustee named in the application hereto annexed make oath and say:

That the several statements in the said application are within my own knowledge true.

That the statement of receipts and disbursements attached to the said application and marked "Exhibit A" hereto is an accurate and correct statement of the administration of the above-mentioned estate.

That all the assets which came into my hands have been realized with the exception of the following:

(Here give full particulars, description and value of all property not sold or realized upon and reasons why not sold)  
and have not otherwise been improperly disposed of to the best of my knowledge and belief.

That all claims filed were properly examined and that to the best of my knowledge and belief, except where disputed claims were compromised or otherwise allowed by the inspectors, the dividend sheet hereto attached and marked "Exhibit B" contains a true and correct list of the claims of creditors entitled to share in the estate.

That every disbursement in the said statement was a proper and correct one to be made.

That I have not received, nor do I hope nor expect to receive, nor have I been promised any other consideration or remuneration than as appears in the said statement.

**Farmers' Creditors Arrangement Act—concluded**

That I have not been a party to nor have I any knowledge of any undisclosed arrangement with the farmer or with any other person, wherein any creditor received any consideration or payment in excess of that to which he was properly entitled out of the assets or proceeds of the estate.

That all dividend cheques have been forwarded to the creditors in accordance with the dividend sheet "Exhibit B" and that such cheques have been duly cashed and honoured and that no funds remain in my hands to the credit of the estate.

Sworn before me at the.....

of .....

this.....day of.....

19....

*A Commissioner, Notary Public, etc.*

**Part II—Fees**

**TARIFF OF FEES FOR OFFICIAL RECEIVERS UNDER THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

An arrangement may be made with the Official Receiver whereby he shall be remunerated by the following fees while he is acting as Official Receiver:

**1. Proposals—**

- (a) Composition, extension of time or scheme of arrangement arranged by Official Receiver and approved by court, inclusive of all expenses except postage, court filing fees, Land Titles fees and certificates as required under Rule 12 .....\$40.00
- (b) Composition formulated by court or Appeal Court, inclusive of all expenses except postage, court filing fees, Land Titles fees and certificates as required under Rule 12 ..... 25.00

**2. Assignments and Receiving Orders—**

- (a) Fee for all services rendered by an Official Receiver as Official Receiver, custodian and trustee of a farmer's estate under the Bankruptcy Act..... 50.00  
In addition, proper disbursements actually and necessarily incurred will also be allowed. Such fees and disbursements are to be paid out of the amount realized from the assets, where possible, otherwise the same will be paid by the Department.
- (b) Fee to trustee on application of debtor for a discharge where the administration was completed by a former trustee ..... 10.00

**TARIFF OF FEES FOR SOLICITORS UNDER THE FARMERS' CREDITORS ARRANGEMENT ACT, 1943**

The tariff of costs in force in the court shall apply in all matters or proceedings under the Act for services rendered by a solicitor.

**FEDERAL DISTRICT COMMISSION ACT, 1927. (1926-27, c. 55).**

1. *By-laws regulating the operation of vehicles.*
2. *Appointment of committees, National Capital District.*

**1. By-laws of the Federal District Commission regulating the operation of vehicles on driveways and other property of the Commission****(a) By-law No. 26 of 12th November, 1937.**

P.C. 468

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 7th day of March, 1938.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the provisions of Section 4 of the Federal District Commission Act, 1927, is pleased to approve the attached By-law No. 26 of the Federal District Commission, amending and consolidating By-Laws Nos. 14 and 21 dealing with traffic regulations, passed by the Commission at a meeting held on November 12, 1937, and it is hereby approved accordingly.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*  
*By-law No. 26*

## INTERPRETATION

**1. (1) In this By-law:**

- (a) "Commission" shall mean the Federal District Commission.
- (b) "driveway" shall mean the part of the property under the control of the Commission set apart for the use of public traffic.
- (c) "chauffeur" shall mean any person who operates a motor vehicle on a driveway and receives compensation therefor.
- (d) "operator" shall mean any person other than a chauffeur who operates a motor vehicle on a driveway.
- (e) "Peace Officer" shall include a mayor, warden, reeve, sheriff, deputy-sheriff, sheriff's officer, justice of the peace, gaoler or keeper of a prison, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace or for the service of execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this By-law.
- (f) "motor vehicle" shall include automobile, motor bicycle, and any other vehicle propelled or driven otherwise than by muscular power.
- (g) "vehicle" shall include motor vehicle, trailer, traction engine, and any vehicle drawn, propelled, or driven by any kind of power including muscular power.
- (h) "trailer" shall mean any vehicle which is at any time drawn upon the driveway by a motor vehicle, except an implement of husbandry

**Federal District Commission Act—continued**

temporarily drawn, propelled, or moved upon such driveway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.

- (i) "intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more driveways or of two or more streets or avenues and driveways which join one another at an angle whether or not one street, avenue, or driveway crosses the other.
- (j) "parking" shall mean any stop of a vehicle other than a momentary one and other than one occasioned by circumstances not under the control of the person in charge of the vehicle.
- (k) Nothing in this by-law shall be taken or construed to constitute a dedication of any part of the property under the control of the Commission which is set apart for the use of public traffic.

**PART I**

**REGISTRATION AND PERMITS**

**2. (1)** No person shall operate or drive a motor vehicle on a driveway unless he holds an operator's or chauffeur's licence or permit issued by the proper authority in the country, province, or state in which such operator or chauffeur resides.

(2) Any person driving or operating a motor vehicle on the driveway shall at the request of any constable, police officer, or authorized employee or agent of the Commission produce and show the certificate of registration of such motor vehicle and/or a chauffeur's or operator's permit or licence issued by the proper authority of the country, province, or state in which such person resides.

**3.** No motor vehicle or trailer shall be driven or operated or be caused to be driven or operated upon a driveway unless the same is duly registered under the laws of the country, province, or state in which the owner of such motor vehicle or trailer resides.

**4. (1)** Every motor vehicle while being driven on a driveway shall have attached to and exposed on the front and back thereof in a conspicuous position a number plate furnished by the government with which same is registered and showing in plain figures the number of the permit issued for the current year; provided that a vehicle registered with a government which furnishes only one number plate will be required to have attached only one number plate.

(2) No number other than that upon the number plate furnished upon registration shall be exposed on any part of a motor vehicle or trailer in such a position or manner as to confuse the identity of the number plate.

(3) The number plate shall be kept free from dirt and obstruction and shall be so affixed that the numbers thereon may be plainly visible at all times and the view thereof shall not be obscured or obstructed by spare tires, bumper bars, or by any part of the motor vehicle or trailer or attachments thereto, or by the load carried.



**Federal District Commission Act—continued**

(4) A motor bicycle while being driven on a driveway shall have exposed on the front and back thereof in a conspicuous position a number plate furnished by the government with which same is registered showing in plain figures not less than two inches in height the number of the permit of such motor bicycle. The number plate on the front shall show the number of the permit on both sides and shall be fixed so that the number is plainly visible from either side of the motor bicycle; provided that a motor bicycle registered with a government which furnishes only one number plate will be required to have attached only one number plate.

(5) Every trailer while being drawn on a driveway shall have exposed on the back thereof in a conspicuous position a number plate furnished by the government with which same is registered showing in plain figures the number of the permit issued for the current year.

(6) Any peace officer who has reason to believe that a motor vehicle or trailer is carrying number plates which were not issued for it, or which although issued for it were obtained by false pretences, may take possession of such number plates and retain them until the facts as to the carrying of such number plates have been determined.

**PART II****REQUIREMENTS AS TO EQUIPMENT**

5. (1) Whenever on a driveway after dusk and before dawn, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front which shall cast a white, green, or amber-coloured light only, and one on the back of the vehicle which shall cast from its face a red light only, except in the case of a motor bicycle without a side car which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only. Any lamp so used shall be clearly visible at a distance of at least two hundred feet from the front or rear as the case may be.

(1a) Lamps on the front of a motor vehicle shall be so constructed, located, arranged, and adjusted that when lighted as required by subsection (1) of section 5 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the driveway within a distance of two hundred feet ahead of such motor vehicle.

(1b) The provisions of subsection (1a) of section 5 shall not apply to a motor vehicle on a driveway which is so lighted by means of any system of driveway lighting that under the conditions mentioned in said subsection and section any person or vehicle within a distance of two hundred feet ahead of such motor vehicle is clearly discernible to the operator thereof.

(2) No motor vehicle shall carry on the front thereof more than three lighted lamps of over four candle power; and additional lights displayed on the front of commercial vehicles to distinguish the width or class of such vehicles shall be green in colour only and of not more than four candle power.

(3) Whenever on a driveway after dusk and before dawn every motor vehicle and every trailer having a width at any part in excess of eighty inches shall carry in addition to the lamps required by subsection (1) of section 5 two clearance lamps, one of which shall be located at the front

**Federal District Commission Act—continued**

of the vehicle and shall display a green light, and the other of which shall be located at the rear of the vehicle and shall display a red light. The Commission may by regulation permit an approved reflector to be displayed in lieu of a clearance lamp on the rear of a vehicle. Any lamp or reflector so used shall be clearly visible at a distance of at least two hundred feet from the front or rear as the case may be and shall be affixed within six inches of the extreme left side of the vehicle.

(4) Whenever on a driveway after dusk and before dawn, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp or approved reflector, and on the back thereof a red lighted lamp or reflector as well as a white surface not less than ten inches in length and two inches in width, all of which shall be so placed as to be clearly visible to the drivers of other vehicles.

(5) The lamp on the back of a motor vehicle shall be at least three candle power and shall be so placed that it will illuminate at all times between dusk and dawn the numbers on the said number plate, or if provision is made on the number plate or on any attachment furnished for affixing such lamp, it shall be affixed in the position or space provided. Such lamp shall face to the rear and reflect on the number plate a white light only.

(6) It shall be unlawful to carry on a motor vehicle any lighting device of over thirty-two mean spherical candle power.

(7) It shall be unlawful to carry on a motor vehicle any lighting device of over four mean spherical candle power unless the same is equipped with an approved device for the elimination of glare and is so deflected, arranged, or adjusted that no portion of the parallel beam of reflected light when measured seventy-five feet or more ahead of the lamp shall rise above forty-two inches from the level surface on which the vehicle stands.

(8) No spotlight or searchlight or other auxiliary lamp shall be attached to any part of a motor vehicle higher than the head lamps of such vehicle, and the ray of light from such spotlight, searchlight, or auxiliary lamp shall be directed to the extreme right of the travelled portion of the driveway in such a manner that the beam of light shall strike the driveway within seventy-five feet of the vehicle, provided that this shall not prevent the use of what are commonly known as cowl or side lamps or clearance lamps.

(9) Whenever on a driveway after dusk and before dawn, every trailer shall carry on the back thereof at least one lighted lamp which shall cast from its face a red light only, or a reflector approved by the government with which the trailer is registered.

(10) Every vehicle other than a motor vehicle or a bicycle or a tricycle when on a driveway after dusk and before dawn shall carry in a conspicuous position on the left side thereof a lighted lamp showing white to the front and red to the rear. Any lamp so used shall be clearly visible at a distance of at least two hundred feet from the front and from the rear of the vehicle.

6. Every motor vehicle when operated on a driveway shall be equipped with brakes adequate to stop within a proper distance and to hold such vehicle. All such brakes shall be maintained in good working order and shall conform to the regulations as set out in appendix No. 1 of this By-law. Any police constable or other officer appointed for the carrying

**Federal District Commission Act**—*continued*

out of the provisions of this By-law may at any time inspect or cause an inspection to be made of the brakes on any motor vehicle on a driveway and may, if such brakes are not in good working order and do not conform to the regulations in said appendix No. 1, require the driver of such motor vehicle to proceed forthwith to put or have such brakes put in good working order.

7. Every motor vehicle other than a motorcycle shall be equipped with:

- (a) a device for cleaning rain, snow, and other moisture from the windshield so constructed as to be controlled or operated by the chauffeur or operator;
- (b) a mirror securely attached to and placed in such a position as to afford the chauffeur or operator a clearly reflected view of the roadway in the rear of any vehicle approaching from the rear.

8. (1) All self-propelled vehicles and all trailers shall be equipped with rubber tires or tires of some composition equally resilient, and a vehicle shall not be operated on any driveway with a tire that is broken or defective in such a manner as to cause additional impact or pounding on or cutting of the driveway. In the case of motor vehicles and trailers equipped with solid rubber tires there shall be at least one and one-quarter inches of rubber between the wheel rim and the roadway.

(2) No vehicle shall be operated or object moved over or upon any driveway with any flange, rib, clamp, or other device attached to its wheels or made a part thereof which will injure the driveway.

(3) No person driving a vehicle drawn by a horse or other animal and used for carrying articles of burden, goods, wares, or merchandise shall, when descending a grade on a driveway, lock any wheel of such vehicle except with the device commonly known as a lock-shoe.

9. (1) Every motor vehicle shall be equipped with a noise muffler, and no contrivance for releasing such muffler shall be attached to the motor vehicle so that it may be operated from any seat in the vehicle.

(2) A person having control or charge of a motor vehicle shall not sound any bell, horn, or other signalling device so as to make an unreasonable noise, and an operator or chauffeur of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the said motor vehicle, nor shall such operator or chauffeur at any time by cutting out the muffler or otherwise cause such motor vehicle to make any unnecessary noise, provided that this subsection shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

(3) Every motor vehicle, bicycle, and tricycle shall be equipped with an alarm bell, gong, or horn, and the same shall be kept in good working order and sounded whenever it shall be reasonably necessary to notify pedestrians or others of its approach.

(4) Every person travelling upon a driveway with a sleigh or sled drawn by a horse or other animal shall have at least two bells attached to the harness or to the sleigh or sled in such a manner as to give ample warning sound.

(5) No vehicle other than one operated by or on behalf of a police or fire department or the Commission shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse.



**Federal District Commission Act—continued**

10. (1) No vehicle including load or contents shall have a greater width than ninety-six inches.

(2) No vehicle shall exceed the length of thirty-three feet, and no combination of vehicles coupled together shall exceed the total length of fifty feet.

(2a) No motor vehicle shall be operated with a trailer or trailers unless such trailer or trailers each have two separate means of attachment so constructed and attached that the failure of one of such means will not permit the trailer to become detached; provided that this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle.

(3) Every police constable and every officer appointed for the purpose of carrying out the provisions of this By-law may require the driver of any vehicle to submit such vehicle together with its equipment and any trailer attached thereto to such examination and tests as such constable or officer may deem expedient.

(3a) Where any such vehicle, equipment, or trailer is found to be in dangerous or unsafe condition, the constable or officer making the examination or tests may require the driver of such vehicle to proceed to have such vehicle, equipment, or trailer placed in a safe condition and may order such vehicle or trailer to be removed from the driveway and may prohibit the operation of such vehicle or trailer on the driveway until such vehicle, equipment, or trailer has been placed in a safe condition.

### PART III

#### RATE OF SPEED

11.(1) No vehicle shall be driven upon any driveway at a greater rate of speed than thirty-five miles per hour; nor at a curve or at a level railway crossing where the driver of the vehicle has not a clear view of any approaching traffic at a greater speed than may be reasonable in the circumstances having regard to the sharpness of the curve and the vehicular traffic on or near the curve at the time, not, however, exceeding twenty miles per hour.

(1a) The permissible maximum rate of speed of thirty-five miles per hour may be reduced on certain sections of the driveway, but the sections of the driveway so affected shall be marked by signs indicating clearly the maximum rate of speed allowed thereon.

(2) Notwithstanding all provisions of subsections (1) and (1a) of section 11, no person shall drive a vehicle on a driveway recklessly or negligently or at a speed or in a manner dangerous to the public having regard to all the circumstances.

(2a) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver shall be deemed to be negligent driving within the meaning of subsection (2) of section 11.

(3) No motor vehicle shall be driven upon a driveway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate is necessary for safe operation having regard to all the circumstances.



**Federal District Commission Act—continued**

## PART IV

## RULES OF THE ROAD

**12.** (1) Where two persons in charge of vehicles or on horseback approach a crossroad or intersection or enter an intersection at the same time, the person to the right hand of the other vehicle or horseman shall have the right-of-way.

(1a) The driver of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only after affording a reasonable opportunity to the driver of such other vehicle to avoid a collision.

(1b) The driver of a vehicle intending to turn to the right into an intersecting driveway or street shall approach such intersection and turn as closely as practicable to the right curb or edge of the travelled portion of the driveway or street.

(1c) The driver of a vehicle intending to turn to the left into an intersecting driveway or street shall approach such intersection as closely as practicable to the centre line of the driveway or street, and the left turn shall be made by passing to the right of such centre line where it enters the intersection and upon leaving the intersection by passing to the right of the centre line of the driveway or street then entered.

(1d) The driver of a vehicle upon a driveway before turning to the left from a direct line shall first see that such movement can be made in safety and, if the operation of any other vehicle may be affected by such movement, shall give a signal plainly visible to the driver of such other vehicle of the intention to make such movement.

(1e) The signal required in subsection (1d) of section 12 shall be given either by means of the hand and arm in the manner herein specified or by an approved mechanical or electrical signal device.

(1f) Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

(2) Vehicular traffic shall keep well to the right side of the driveway on all occasions, when to do otherwise would obstruct, hinder, or embarrass the free passage of traffic going in the same or in the opposite directions.

(3) The driver of every vehicle shall immediately before crossing a driveway or entering into a driveway at a street opening which is crossed by vehicular traffic on the driveway bring the vehicle to a full stop.

(3a) The driver of any vehicle who has come to a full stop as required in subsection (3) of section 12 upon entering the driveway as well as drivers of vehicles on such driveway shall be subject to the usual right-of-way rule prescribed in subsection (1) of section 12 and applicable to vehicles at intersections.

(4) Where the driver of a vehicle on a driveway meets another vehicle, he shall turn out to the right from the centre of the road allowing to the vehicle so met one-half of the road free.

(5) Where the driver of a vehicle or a horseman upon a driveway is overtaken by a vehicle or horseman travelling at greater speed, the driver

**Federal District Commission Act—continued**

or horseman so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass.

(6) Any driver of a vehicle or any horseman so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the driver or horseman so overtaken shall not be required to leave more than one-half of the road free.

(7) Every person having the control or charge of a motor vehicle shall when upon a driveway and approaching any vehicle drawn by a horse or a horse upon which any person is riding operate, manage, and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse and ensure the safety and protection of any person riding or driving the same and if going in the same direction, shall signal his desire to pass and give the rider or driver an opportunity to turn out so that he may be passed with safety, and if any such horse going in the opposite direction appears to be frightened or if such person is signalled so to do, he shall stop such motor vehicle including the motor and shall remain stationary so long as may be necessary to allow such rider or driver to pass or until directed by him to proceed, and in case any animal ridden or driven by such rider or driver appears to be frightened, such person and the occupants of the motor vehicle shall render assistance to such rider or driver.

(8) Where the rider of a bicycle or a tricycle upon the driveway is overtaken by a vehicle or horseman travelling at a greater speed, the rider so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass, and the driver or horseman so overtaking a bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision.

(9) No rider of a bicycle shall attach the bicycle to or take hold of any other vehicle for the purpose of being drawn along the driveway, and no person on skis, sled, toboggan, or similar device shall be attached to any vehicle or horse on the driveway for the purpose of being drawn along the driveway, nor shall the operator of a vehicle or the rider or the driver of a horse on the driveway permit any such person to be so attached.

(9a) Any rider of a bicycle, tricycle, or motorcycle designed to carry one person only, shall permit no other person to be carried thereon.

(9b) No bicycle shall be ridden beside another bicycle or beside any vehicle travelling in the same direction.

(10) Where one vehicle is met or overtaken by another, if by reason of the weight of the load on either of the vehicles so meeting or on the vehicles so overtaken, the driver finds it impracticable to turn out, he shall immediately stop, and if necessary for the safety of the other vehicle and if required so to do, he shall assist the driver thereof to pass without damage.

(11) No driver of a vehicle shall pass or attempt to pass another vehicle going in the same direction on a driveway unless and until the travelled portion of the driveway in front of and to the left of the vehicle to be passed is safely free from approaching traffic.

**Federal District Commission Act—continued****PART V****PROHIBITIONS AND RESPONSIBILITY FOR ACCIDENTS**

**13.** No person shall throw or deposit or knowingly leave on a driveway any glass, nails, tacks, scraps of metal or other material which may be injurious to the tires of any vehicle, or deposit ashes or other refuse thereon.

**14. (1)** If an accident occurs on a driveway, every driver of a vehicle who is directly or indirectly a party to the accident shall remain at or return to the scene of the accident and render all possible assistance and give in writing upon request to any one sustaining loss or injury or to any police constable or any officer appointed for the carrying out of the provisions of this By-law or to any witness his name and address and also the name and address of the owner of such vehicle and the number of the driver's permit if any.

(2) If an accident results in damage to property under the control of the Commission, every driver of a vehicle causing such damage shall report the particulars forthwith to a constable of the Royal Canadian Mounted Police or to the Commission.

(3) The owner of a vehicle while being driven or operated on a driveway shall be responsible for any violation of this By-law and be liable for the penalties hereinafter provided unless at the time of such violation the vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent, and the driver of a vehicle not being the owner shall also be responsible for any such violation.

(4) If the employer of a chauffeur is present in the vehicle at the time of committing of any offence against this By-law, such employer as well as the chauffeur shall be liable to conviction for such offence.

**15.** No person under the age of sixteen years shall drive a motor vehicle on a driveway.

**16.** No person shall drive a vehicle in a race, nor shall he race or drive furiously any horse or other animal, or shout or use any blasphemous or indecent language upon the driveway or any property under the control of the Commission.

**17. (1)** No vehicle shall be parked on a driveway or any property under the control of the Commission except where designated by signs or notices or authorized by permit.

(2) All vehicles parked on the driveway after dusk and before dawn shall have suitable parking lights pursuant to the provisions of subsection (1) of section 5 of this By-law.

**18.** No person shall drive any vehicle in any of the property under the control of the Commission except upon the roadways especially set apart for that purpose.

**19.** No person shall ride any horse or other animal except upon the bridle paths or roadways especially set apart for such purpose by the Commission.

**20. (1)** No person shall drive or cause to be driven any objectionable vehicle or machine such as traction engines, trucks, milk, ice, grocers' and



**Federal District Commission Act—continued**

butchers' carts, and other delivery vehicles, express wagons or trucks, empty or loaded coal carts or trucks, wagons, and other vehicles of like description on the driveway.

(1a) The provisions of subsection (1) of section 20 above shall not apply to the use of any objectionable vehicles mentioned therein for the delivery to or collection of merchandise from any property adjoining the driveway when there is no other means of entry or exit with respect to said property, provided that such vehicles shall enter and leave the driveway referred to by the nearest intersecting street between the hours of twelve o'clock midnight and the following twelve o'clock mid-day.

**21.** For the purpose of this By-law any notice, warning, or other sign in place upon the Commission's driveways or other property under its control and relating thereto shall *prima facie* be presumed to have been made and erected pursuant to valid authority vested in the Commission; and save as inconsistent with this or any other by-law of the Commission, all reasonable verbal or other instructions, directions, or orders of the Commission's employees or of a constable of the Royal Canadian Mounted Police or traffic policemen relating to the protection of the property under the control of the Commission and the conduct of any person with respect thereto shall *prima facie* be presumed to have been made pursuant to lawful authority given by the Commission.

**22.** Every person shall conduct himself in accordance with the directions contained in such signs made and erected pursuant to valid authority vested in the Commission and in accordance with the directions of such employees or policemen made pursuant to lawful authority given by the Commission.

## PART VI

### GENERAL PROHIBITIONS

**23.** No person shall leave waste paper or other debris lying upon the ground or in any building or in any other place upon any property under the control of the Commission except in such places as are or may be specifically designated for such purpose.

**24.** No person shall cut, break, injure, deface, defile, or ill-use any building, fence, bridge, sign, lights, or other construction, or any tree, shrub, plant or turf, or any other property under the control of the Commission or cause or permit the same to be done, or have possession illegally of any tree, shrub, or plant, or any part thereof, taken from the property under the control of the Commission.

**25.** No person shall disturb or injure, or cause or permit to be disturbed or injured, any bird, bird's nest, bird's eggs, or any squirrel, or other animal within any of the property under the control of the Commission.

**26.** No person shall throw stones or other missiles or carry or discharge firearms, firecrackers, torpedoes, or fireworks, or make fires except in specifically designated places in any of the property under the control of the Commission.

**27.** No person shall bathe in any waters under the control of the Commission except as permitted by the Commission, and no person shall make use of any property under the control of the Commission for the



**Federal District Commission Act—continued**

purpose of bathing in waters not under the control of the Commission except at such places as may be specifically designated for such use and subject to such other regulations as may from time to time be imposed.

**28.** No person shall sell or offer or expose for sale any drink, goods, or wares, or post or display signs, placards, flags, or advertising devices, or solicit subscriptions or contributions in any of the property under the control of the Commission without first obtaining permission in writing from the Commission so to do.

**29.** No person shall expose in any of the property under the control of the Commission any table or device upon, or with, or by which, any game of chance or hazard may be played; and no person shall play at any such table or device or otherwise in any of the said property any such game with cards, dice, or any device whatever.

**30.** No person shall play ball or any other game in any of the property under the control of the Commission except in such portions thereof as may be specifically designated for such purpose.

**PART VII****PENALTIES AND CONVICTIONS**

**31.** Every one who contravenes any of the provisions of this By-law, or any by-laws of the Commission, or fails to comply with any of such provisions, is guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars, or in default of payment of such penalty, to imprisonment for a term not exceeding two months.

**32.** By-law No. 14 given under the Corporate Seal of the then Ottawa Improvement Commission on the third day of July, 1922 A.D., and as enacted as a by-law of the Federal District Commission by Order in Council P.C. 2104 on the twenty-third day of October, 1929 A.D., and By-law No. 21 of the Federal District Commission as enacted by Order in Council P.C. 1283, dated the thirtieth day of May, 1931 A.D., are hereby repealed, and any other by-law, or part thereof, inconsistent herewith is also hereby repealed.

**APPENDIX****RESPECTING BRAKES ON MOTOR VEHICLES AND METHOD  
OF TESTING SUCH BRAKES**

**1. Method of Test.**—The method of test to be used in determining if motor vehicles of the several classes mentioned meet the performance requirements of By-law No. 26 of the Federal District Commission shall be by the use of instruments suitable for the purpose which have been approved after examination by an unprejudiced engineering authority of recognized standing. Approved Devices—"James Decelerometer," "Muether Stopmeter," "Tapely Brake Testing Motor," and "Cowdrey Dynamic Brake Tester."

**2. Loaded Vehicles.**—Enforcing authorities may at their discretion require that tests be conducted with the vehicles fully loaded.

**3. Clutch Disengaged.**—All testing shall be conducted with the clutch disengaged, provided that where the motor vehicle is not provided with a clutch, the testings all shall be conducted with no motive power being

**Federal District Commission Act—continued**

supplied to the driving wheels except in such instances as such testing is to be applied to electrical brakes.

4. *All motor vehicles weighing 6,000 pounds gross or less except as specifically provided herein, and motor vehicles of whatever gross weight which are fitted for the accommodation of passengers or commonly used for their transportation.*

(a) *Foot Brakes.*—On a dry, hard, level road free from loose material the foot brake shall be capable of stopping the vehicle from a speed of twenty miles per hour within a distance of fifty feet, or at a rate which corresponds to such performance.

(b) *Hand Brakes.*—On a dry, hard, level road free from loose material the hand brake shall be capable of stopping the vehicle from a speed of twenty miles per hour within a distance of seventy-five feet, or at a rate which corresponds to such performance.

5. *Motor vehicles exceeding 6,000 pounds gross weight designed for the transportation of goods or materials, tractors, and all other motor vehicles not covered in section 4.*

Any motor vehicle coming in this class operating either singly or in combination with other vehicles shall be capable of stopping on a dry, hard, level road free from loose material within the following distances or at rates corresponding in each instance to the several performances specified:—

(a) Within fifty feet from twenty miles per hour upon simultaneous application of both hand and foot brakes.

(b) Within seventy-five feet from twenty miles per hour upon application of the foot brake alone.

(c) Within seventy-five feet from twenty miles per hour upon application of the hand brake alone.

6. *Vehicles in Combination.*—When motor vehicles are operated in combination with trailer or other vehicles, the “application of brakes” shall be construed to mean the application of all brakes on any vehicles of the train which are normally capable of being operated simultaneously by the driver.

**(b) By-law No. 31 of 2nd July, 1947**

P.C. 2872

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 31st day of July, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the President of the Privy Council and pursuant to the provisions of Section 4 of the Federal District Commission Act, is pleased to approve and doth hereby approve the annexed By-law No. 31, passed by the Federal District Commission on July 10, 1947, regulating the use of driveways and other property of the Commission by motor vehicles operated for hire.

N. A. ROBERTSON,  
Clerk of the Privy Council.

**Federal District Commission Act—continued***By-law No. 31*

1. No person, firm or corporation, shall, without the consent of the Federal District Commission, operate or cause or permit to be operated, upon the driveways or other property under the control of the Commission any vehicle for the transportation of passengers for hire except vehicles having a seating capacity for not more than seven persons including the driver or chauffeur thereof.

2. The provisions of section 31 of By-law No. 26 of the Federal District Commission shall apply to any infraction of this By-law.

3. By-law No. 16, dated June 15, 1929, and approved by Order in Council P.C. 1226, July 23, 1929, is hereby repealed.

**2. By-law of the Federal District Commission respecting appointment of committees to discuss proposals for development of National Capital district**

**By-law No. 27 of 13th April, 1945**

P.C. 5634

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of August, 1945.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, and pursuant to the provisions of Section 4 of the Federal District Commission Act, 1927, is pleased to approve and doth hereby approve the annexed By-law No. 27 of the Federal District Commission.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*By-law No. 27*

Pursuant to the provisions of the Federal District Commission Act under which the Federal District Commission may co-operate with any municipality, or interested persons or any other body, within the District of the National Capital, which is more particularly described in Section (3) hereof and shown in outline on the attached plan, for planning, development, improvement and beautification in the aforesaid area, Be it enacted as By-law No. 27 of the Federal District Commission:

1. That a committee, or committees, of one or more persons may be appointed by the Chairman of the Federal District Commission, or by resolution of the Commission, to discuss with representatives of any municipality or any interested person or persons, or any other body within the District of the National Capital proposals or plans for development,



**Federal District Commission Act—concluded**

improvement, beautification, or new construction therein so that the Federal District Commission may be properly advised as to what action, if any, should be taken with a view to the co-ordination of such proposals or plans in order that the National Capital district may be developed in an orderly manner and in accordance with the general plans that have been approved for the purpose.

2. That the Chairman of the Commission shall be, *ex officio*, a member of any committee appointed under section (1), and that the Chairman may, at his discretion act as a committee for the purposes of the above section.

3. That for the purposes of this by-law "District of the National Capital" shall be defined as follows:

Commencing at a point where the division line between the Townships of McNab and Fitzroy in the Province of Ontario meets the south shore of the Ottawa river; thence southwesterly along the said division line to the line between Concessions 2 and 3 in the Township of Fitzroy; thence south-easterly along the last-mentioned line to the line between Lots 15 and 16 in the said Township; thence north-easterly along the last-mentioned line and across Concessions 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 to the line between the Townships of Fitzroy and Torbolton; thence south-easterly along the last-mentioned line and continuing along the line between the Townships of Huntley and March to meet the line between the Townships of March and Goulbourn; thence north-easterly along the last-mentioned line to the line between the Townships of Goulbourn and Nepean; thence southerly along the last-mentioned line to the line between Lots 30 and 31, Rideau Front, in the Township of Nepean; thence north-easterly along the last-mentioned line to the line between Concessions 2 and 3, Rideau Front, in the Township of Nepean; thence southerly along the last-mentioned line to the line between the Townships of Nepean and North Gower; thence easterly along the last-mentioned line and continuing along the line between the Townships of Gloucester and Osgoode to meet the line between the Townships of Gloucester and Cumberland; thence north-westerly along the line between the Townships of Gloucester and Cumberland and continuing along the line between the Townships of Gloucester and Cumberland to its intersection with the south shore of the Ottawa river; thence crossing the Ottawa river in a straight line to its north shore to the point where the line between the Townships of Templeton and Buckingham, Province of Quebec, intersects the river; thence northerly along the last-mentioned line to the line dividing the Gore of Templeton from Range 1 in the Township of Portland; thence westerly along the last-mentioned line and continuing westerly along the line between Range 4 and 5 in the Township of Wakefield to the line between the Townships of Wakefield and Masham; thence northerly along the last-mentioned line to the line between Ranges 4 and 5 in the Township of Masham to the line between the Townships of Masham and Onslow; continuing westward along the line between Range 11 and Range 12 in the Township of Onslow to meet the line between the Townships of Onslow and Bristol; thence southerly along the last-mentioned line to its intersection with the north shore of the Ottawa river; thence south-westerly in a straight line across the Ottawa river to the place of beginning, comprising 900 square miles more or less.



**FEEDING STUFFS ACT, 1937. (1937, c. 30).**

1. *The Feeding Stuffs (General) Regulations.*
2. *The Feeding Stuffs (Ministerial) Regulations.*

**1. The Feeding Stuffs (General) Regulations**

P.C. 5295

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of October, 1949

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of section fourteen of The Feeding Stuffs Act, 1937, is pleased to order as follows:

1. The regulations under The Feeding Stuffs Act, 1937, established by Orders in Council P.C. 2052 of 25th August 1937, as amended, and P.C. 1370 of 1st March 1945, as amended, are hereby revoked; and

2. The annexed regulations entitled "The Feeding Stuffs (General) Regulations" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council**The Feeding Stuffs (General) Regulations**(Made Under Section 14 of The Feeding Stuffs Act, 1937)***1. In these regulations:**

- (a) "Act" means The Feeding Stuffs Act, 1937;
- (b) "chop feed" has the meaning that it has in section 2 (b) of the Act, and in the Act and these Regulations includes the products of chopping, grinding or crushing mixed feed oats, number one feed screenings or number two feed screenings that are sold or offered for sale singly.

2. Any chopped, crushed or ground grain sold or offered for sale as a feeding stuff or as an ingredient or constituent of a feeding stuff shall contain not more than the maximum limits of foreign matter allowed under the Canada Grain Act for the lowest numerical statutory grade of that kind of grain, or if a higher grade is stated, the maximum limits of foreign material shall not exceed those allowed for that higher grade by the said Act.

3. The limitation of tolerance for the purposes of Schedule "A" to the Act are as specified in Table 1 of these Regulations.

**Feeding Stuffs Act—continued**

4. Subject to section 6 of the Act, a by-product resulting from the milling of wheat for the production of flour may be used as a feeding stuff in combination with other materials when, in the opinion of the Minister, such combination

- (a) is appropriately named to indicate a specific nutritive purpose or classification; and
- (b) does not constitute an adulteration of the by-product.

5. For the purpose of determining the eligibility for registration of a mixed feeding stuff, or the propriety of any statement of the ingredients of a mixed feeding stuff, the Minister may require the manufacturer to submit a quantitative statement of any or all of the ingredients of such feeding stuff, but any information submitted to the Minister under this section shall be treated as confidential.

6. (1) Except as provided in subsection (2), or as the Minister may authorize in any specific case, every package of feeding stuff suitable for packaging in containers made of burlap, jute, cotton or paper, sold or offered or held in possession for sale in Canada, shall contain a net quantity of five pounds, ten pounds, twenty-five pounds, fifty pounds or one hundred pounds by weight of such feeding stuff, but packages of rolled or crimped unhulled oats or of oyster shell, clam shell or coquina shell may contain a net quantity of eighty pounds by weight.

(2) Nothing in subsection (1) shall be deemed to prohibit

- (a) the use of any bag or container by a farmer for containing his own produce for sale or processing;
- (b) the use of any bag or container by a retailer selling in bulk and not as a unit any quantity of feeding stuffs specified by a customer;
- (c) the packaging of tonics or condition powders in units of less than five pounds; or
- (d) the use of any container for shipment of ingredients for feeding stuffs to a manufacturer of feeding stuffs where the product is not to be resold in such container.

7. (1) Every bag or package of bran, shorts, middlings, feed flour and wheat germ sold or offered or held in possession for sale in Canada as feeding stuff shall be labelled with the net weight of contents in addition to the requirements of subsection (2) of section 6 of the Act.

(2) Subject to subsection (3) every bag or package of chop feed, hulled oats, hulled barley, cracked corn, and the whole seeds or grains of cultivated farm crops sold or offered or held in possession for sale in Canada as feeding stuff, shall bear a tag or label specifying

- (a) the name and address of the person who packaged the feeding stuff;
- (b) the ingredients contained therein; and
- (c) the net weight of the contents.

(3) Any person who bags or packages such feeding stuff from bulk for sale by himself at retail may, in lieu of complying with subsection (2) set forth on an invoice or bill of sale furnished to the purchaser at the time of sale, the information required by paragraphs (a) and (b) of subsection (2) and the number and total net weight of the packages covered by the sale.

**Feeding Stuffs Act—continued**

8. (1) Every person who sells as a feeding stuff any limestone, marl, chalk, oyster shell, clam shell or other material purported or commonly considered to be primarily a source of calcium or calcium and grit shall, on or before its delivery, provide to the purchaser by means of a label on each package or by a printed or written statement the following particulars:

- (a) when in bags or other packages, the name and address of the person who packaged the material or, when in bulk, the name and address of the seller;
- (b) the specific name of the material;
- (c) the minimum percentages by weight of calcium (Ca) and calcium carbonate ( $\text{CaCO}_3$ ) respectively; and
- (d) the maximum percentage by weight of magnesium carbonate ( $\text{MgCO}_3$ ) if in excess of five per cent.

(2) When used as an ingredient of a mixed feed, any material purported or commonly considered to be primarily a source of calcium may, if it contains not less than thirty-six per cent of calcium (Ca), be declared in the application for registration as "calcium carbonate."

9. (1) For the purposes of this section,

- (a) "mineral feed" means a mixed feeding stuff that supplies minerals for the nutrition of livestock but does not include
  - (i) feeding stuffs intended or represented primarily as complete or balanced mixed feeds or as protein-mineral or protein-mineral-vitamin supplements which are required to be registered, pursuant to section 4 of the Act, or
  - (ii) salt to which has been added one or more of the following, namely, a cobalt compound, a manganese compound, an iodine compound, a recognized iodine stabilizer and colouring matter, which colouring matter may be an iron compound, or
  - (iii) any single ingredient feed to which has been added one or more of the following, namely, a cobalt compound, an iodine compound, a recognized iodine stabilizer and colouring matter, which colouring matter may be an iron compound, or
  - (iv) any preparation for the treatment of disease or to aid recovery from disease or debility which preparation is represented for use only while such disease or debility persists, and any other preparation represented for temporary use for specified purposes which preparation, in the opinion of the Dominion Animal Pathologist, would usefully serve such purposes when used to supplement a balanced ration.
- (b) "trace mineral feed" means a mixed mineral feed that is intended or represented as supplying mineral elements other than calcium, phosphorus and salt and which is labelled with the percentage content of such of the following as are purportedly present: Iodine (I), Iron (Fe), Cobalt (Co), Manganese (Mn) and Copper (Cu).

- (2) (a) Every mineral feed shall contain only ingredients incorporated to supply calcium (Ca), phosphorus (P), salt ( $\text{NaCl}$ ), Iodine (I), iron (Fe), copper (Cu), manganese (Mn) or cobalt (Co), provided that
  - (i) a mineral feed containing iodine may contain a recognized iodine stabilizer, and



**Feeding Stuffs Act—continued**

- (ii) a mineral feed which is in block form may contain a binding agent of a kind and in a quantity acceptable to the Minister, and
  - (iii) a trace mineral feed may contain a carrier of a kind and in a quantity acceptable to the Minister but for which no chemical claims shall be made, and
  - (iv) any mineral feed may contain a dust control agent of a kind and in a quantity acceptable to the Minister.
- (b) In the application for registration and on the package label the purpose of any ingredient incorporated into a mineral feed as a binding agent or a carrier or a dust control agent shall be clearly indicated.
- (c) Apart from the statement of analysis and ingredients required by the Act no representations shall be made on the package label as to the value or need of mineral elements other than
- (i) calcium, phosphorus, salt, iodine and cobalt in a mineral feed for cattle, sheep, or horses, or
  - (ii) calcium, phosphorus, salt, iodine, iron and copper in a mineral feed for swine, or
  - (iii) calcium, phosphorus, salt, iodine and manganese in a mineral feed for poultry.
- (3) (a) Every mineral feed intended or represented for feeding to cattle, sheep, horses or swine, other than a trace mineral feed, shall be eligible for registration only if it conforms to the specifications of Table 2 of these Regulations, provided that
- (i) nothing herein contained shall require the use of salt in any mineral feed;
  - (ii) for each one percent that the phosphorus content in a mineral feed for cattle, sheep or horses exceeds the minimum specified, the calcium content may be decreased by not more than one percent;
  - (iii) such specifications shall not apply to a mineral feed for cattle, sheep or horses which is in block form and which contains a minimum of 4.5 percent by weight of phosphorus.
- (b) in the application for registration and on the package label the names of the kinds of livestock for which such mineral feed is intended shall be clearly indicated.
- (4) (a) Every mineral feed intended or represented for feeding to poultry, foxes, rabbits or mink which contains more than one ingredient shall be eligible for registration only if it be a trace mineral feed but a trace mineral feed may be represented for feeding to any kind of livestock.
- (b) Every package of trace mineral feed shall be labelled with mixing directions which prescribe its use at not more than five pounds per ton in complete or ready to feed mixtures and not more than twenty pounds per ton in feed supplements containing 24 percent or more of crude protein.

**10.** Every drum or package of any product purported or commonly considered to be primarily a Vitamin A or Vitamin D or both Vitamin A and Vitamin D supplement, sold or offered or held in possession for sale in



**Feeding Stuffs Act—continued**

Canada as feeding stuff, other than fish oils to be further processed or blended before use as, or for incorporation into, feeding stuffs, shall be labelled with the following particulars:

- (a) the name and principal address of the manufacturer, importer or seller possessing or assuming proprietary rights to such product;
- (b) the brand name, if any;
- (c) the maximum percentage of free fatty acid expressed as "oleic acid" if in excess of two percent at the time of distribution from the premises of the proprietor or his agent;
- (d) the specific name of every ingredient incorporated for its Vitamin A and Vitamin D content, and also of other ingredients, if any, as the Minister may direct, except that
  - (i) the name "blended fish oil" may be employed to designate a blend of oils from two or more kinds of fish, and
  - (ii) the term "cod liver oil" may be applied to oil from the livers of the cod family, including cod, haddock, hake, cusk and pollock; or
- (e) in lieu of the particulars specified in paragraph (d), a general nutritive designation acceptable to the Minister such as "Vitamin A and D Feeding Oil," or "Vitamin A and D Supplement," subject to the following provisions:
  - (i) such designation may be applied only to a product of guaranteed vitamin potency containing per gram at least 85 units of Vitamin D and 850 units of Vitamin A, when the said vitamins, respectively, are indicated or implied, and
  - (ii) the term "fortified" or other term of like purport shall not be applied to a fish oil which constitutes less than 75 per cent by weight of a named kind, nor to a product containing per gram less than 200 units of Vitamin D and 1,000 units of Vitamin A, when the said vitamins, respectively, are indicated or implied;
- (f) in the case of a product guaranteed as to vitamin potency
  - (i) such potency expressed
    - (A) for Vitamin A as a minimum number per gram of international units (I.U.) and
    - (B) for Vitamin D as a minimum number per gram of Association of Official Agricultural Chemists (A.O.A.C.) units, but in the case of a product specifically designated for mammalian use only, Vitamin D may be declared in international units (I.U.); and
  - (ii) the laboratory control number and the month and year of guarantee;
- (g) in the case of a product not guaranteed as outlined in paragraph (f);
  - (i) the word "untested," or if the product is a recognized source of both Vitamins A and D but tested for one only of the said vitamins, the words "untested for Vitamin A" or "untested for Vitamin D", as the case may be, such word or words to appear conspicuously in immediate association with the brand or name of the product; and
  - (ii) the month and year in which the drum or package was filled.

Feeding Stuff Act—continued

TABLE I

Tolerances for Feeds listed in Schedule "A" to the Act.

Mineral Item	Guaranteed Amount	Permitted Tolerance
Calcium (Ca), Phosphorus (P) and Salt (NaCl)....	Under 3 percent.....	A deficiency or excess of 0.5 percent.
	3 percent to 15 per cent inclusive.....	A deficiency or excess of one-fifth of the amount guaranteed.
	Over 15 percent.....	A deficiency or excess of 3 percent.
Iodine (I), Iron (Fe), Cobalt (Co), Manganese (Mn) and Copper (Cu)	All amounts.....	A deficiency of one-tenth of the amount guaranteed; an excess limited only to quantities likely to be injurious to the health of livestock.

TABLE 2

Specifications for Mineral Feeds under Section 9 (3) (a) of these Regulations.

Mineral Item	Content or Proportion in Mineral Feeds for Feeding to	
	Swine	Cattle and/or Sheep and/or Horses
Minimum calcium (Ca) content		
(a) in mixtures containing salt.....	22.5%	15.0%
(b) in mixtures containing no salt.....	30.0%	22.5%
Minimum phosphorus (P) content		
(a) in mixtures containing salt.....	Nil	6.0%
(b) in mixtures containing no salt.....	Nil	9.0%
Maximum proportion by weight of calcium (Ca) to phosphorus (P).....	Nil	2.5 to 1
Minimum proportion by weight of calcium (Ca) to phosphorus (P).....	5 to 1	Nil
Maximum salt (NaCl) content in mixtures containing salt.....	25.0%	33.0%
Minimum salt (NaCl) content in mixtures containing salt.....	20.0%	25.0%

**Feeding Stuffs Act**—*continued***2. The Feeding Stuffs (Ministerial) Regulations**

## DEPARTMENT OF AGRICULTURE

UNDER AND BY VIRTUE of the authority conferred upon me by The Feeding Stuffs Act, 1937, being chapter 30 of the 1937 Statutes of Canada, I hereby revoke all regulations previously made by me under the said Act and substitute the following therefor:

*The Feeding Stuffs (Ministerial) Regulations*  
(Made under section 15 of The Feeding Stuffs Act, 1937)

**1.** In these Regulations:

- (a) "Act" means The Feeding Stuffs Act, 1937;
- (b) "Plant Products Division" means the Plant Products Division of the Production Service of the Department of Agriculture, Ottawa.

## REGISTRATION

**2.** Where a feeding stuff that is required to be registered is to be marketed in more than one physical form, one application for registration of that feeding stuff may be made and one registration number may apply thereto, but any package containing such feeding stuff that is sold or offered for sale shall bear a label indicating the particular form of the feeding stuff contained therein.

**3.** A mixed feeding stuff that is required by the Act to be labelled with a guaranteed analysis setting forth the protein, fat and fibre content thereof, and that is one of the kinds or for one of the purposes specified in Table 3, is eligible for registration only if it is guaranteed as to minimum protein content at or above the level specified for such feeding stuff in the said Table.

**4.** (1) In any application for registration of a mixed feeding stuff to which section 3 of these Regulations applies:

- (a) the term "Laying Mash", "Growing Mash", "Breeder Mash" or any term implying or suggesting a similar purpose, used without qualification, shall be construed to imply that the feeding stuff to which it relates is to be fed with scratch grains;
- (b) the term "Fattening Mash" or any other term implying or suggesting a similar purpose, used without qualification, shall imply that such feed is a complete feed; and
- (c) a fattening mash to be fed with milk, or an all-mash type of feed shall be so stated.

(2) Notwithstanding anything in section 3 of these Regulations or subsection (1) of this section, a feeding stuff otherwise eligible for registration may be registered if the applicant establishes to the satisfaction of the Minister that there are special circumstances to warrant registration.

**5.** Where application is made to register a mixed feeding stuff the application shall set out the percentage content by weight of salt (NaCl) and wood-charcoal respectively, and the kind and percentage content by weight of grit where such are incorporated ingredients of the feed.



**Feeding Stuffs Act—continued**

6. (1) No feeding stuff shall be registered under a brand or name that sets out as part of that brand or name the name of any ingredient or component of a mixed feeding stuff unless

- (a) the names of all the ingredients or components of the feeding stuff are also set out as part of the brand or name to be registered; or
- (b) the setting out in the brand or name of the name of such ingredient or component is accepted by the Associate Director in charge of the Plant Products Division as conveying useful information to a person who uses or intends to use that feeding stuff. (e.g. Dairy Feed with Molasses).

(2) Where a feeding stuff contains only one ingredient, the name of the feeding stuff, other than the brand name, if any, shall be the name of that ingredient.

7. Where protein feeds identical as to kind are to be guaranteed by any manufacturer to contain different percentages of protein they are not eligible for registration unless the application for registration sets out

- (a) a different brand name for each protein level; or
- (b) the percentage of protein content as part of the brand or name.

8. (1) Where a mixed feeding stuff is represented as supplying protein or carbohydrates it is not eligible for registration unless

- (a) the application for registration indicates in the name of the feeding stuff or in direct association therewith
  - (i) the class of livestock for which it is intended; or
  - (ii) a general nutritive classification of the feeding stuff. (e.g. protein supplement, basal feed or roughage feed); and
- (b) the feeding stuff possesses the essentials in chemical and physical composition for the purpose or purposes indicated.

(2) Unless the applicant establishes that there are special circumstances to warrant registration, a mixed feeding stuff is not eligible for registration

- (a) as a protein supplement, if it contains less than thirty per cent by weight of crude protein;
- (b) as a basal feed, if it contains more than eighteen per cent by weight of crude fibre; or
- (c) otherwise than as a roughage feed, if it contains more than eighteen per cent by weight of crude fibre.

9. A "registration year" with respect to any feeding stuff in the period of twelve months ending on the thirtieth day of September in any year.

**TAGS OR LABELS**

10. (1) Where the Act or Regulations thereunder require any information to be shown on a label, tag or container, such information shall be printed conspicuously, legibly and indelibly in English or in French or in both English and French and, unless otherwise authorized by the Associate Director in charge of the Plant Products Division, shall appear on one exposed face only of the container or tag.

(2) A label or tag does not comply with this Regulation if any variation in the character, size or colour of the printing thereon emphasizes or obscures any part of the name, analysis or ingredients of the product to which the label or tag relates, or if it contains any objectionable or misleading information or mark.



**Feeding Stuffs Act—continued**

**11.** When any feeding stuff is sold in bulk and not in a package or container labelled or tagged in accordance with the Act and Regulations thereunder, the seller shall furnish to the buyer at or before delivery a written or printed statement setting out the information required by the Act and Regulations thereunder to be set out on a tag or label where such feeding stuff is sold in a package or container, but this requirement does not apply when such feeding stuff is removed, in the presence of the buyer, from a package or container which is tagged or labelled in accordance with the Act and Regulations thereunder.

**GENERAL**

**12.** (1) A feeding stuff that supplies or that is purported to supply protein, carbohydrates, fats or minerals shall not contain

- (a) more than one-half of one per cent by weight of any or all of the materials listed in Table 4, but when screenings are sold or offered for sale singly they may contain not more than one per cent by weight of such materials;
- (b) fluorine in an amount which would produce toxic effects;
- (c) damage from heat, must, mould or any other cause which would
  - (i) render it unfit for feed; or
  - (ii) make it unsafe for feeding in proportions commonly used, unless the feeding stuff is sold under such conditions as the Associate Director in charge of the Plant Products Division may authorize in any particular case;
- (d) any product of animal or fish origin that is not fresh or sound or that has not been cooked thoroughly at not less than boiling temperature;
- (e) any hoof, horn or hair of animals except in such amounts as are reasonably unavoidable in good factory practice;
- (f) any chaff or dust except as a declared ingredient or as a recognized tolerance in a declared ingredient; or
- (g) any other deleterious material in quantities likely to be injurious to the health of livestock.

**13.** No chopped, crushed, or ground feeding stuff shall contain more than fifteen vital seeds per ounce of any or all of the weeds listed in Table 5.

**SAMPLING**

**14.** (1) Where any part of a feeding stuff is to be taken as a sample of that feeding stuff a part shall be taken that will fairly represent the bulk from which it is drawn.

(2) When the feeding stuff is in packages containing less than five pounds, one unbroken package or more may constitute the sample.

(3) When the feeding stuff is in bags or other large packages or in bulk or in the process of being packaged approximately equal portions shall be taken from not less than five separate packages, or from five separate sections of the bulk or, if there are less than five packages in the lot, portions shall be taken from each of the packages and the portions so taken shall be thoroughly mixed together, but where the character of the feeding stuff or of its containers makes the foregoing procedure impracticable any other procedure that is fair and reasonable shall be followed, and in such a case the procedure that is followed shall be outlined in the statement accompanying the sample.

**Feeding Stuffs Act—continued**

(4) When any appreciable portion of the feeding stuff that is to be sampled appears to be mouldy or otherwise damaged in a manner to affect its suitability for feeding purposes, separate samples shall be taken of the undamaged portions and the damaged portions.

(5) Samples shall be taken in duplicate and shall be of approximately equal quantities and of sufficient weight or volume to be satisfactory for analytical purposes.

(6) Duplicate samples shall be sealed in similar containers suitable for the purpose of preserving the condition of the feeding stuff so far as may be practicable; one sample shall be forwarded to an official analyst and the other shall be left with the seller or his representative or forwarded to him by registered mail.

15. Except as otherwise authorized by the Associate Director in charge of the Plant Products Division the methods of chemical analysis to be employed in testing a feeding stuff shall be the latest methods published and approved by the Association of Official Agricultural Chemists of North America.

16. For the purposes of the Act and Regulations thereunder feeding stuffs shall be designated by the names defined in Table 6, but where the name of a feeding stuff or ingredient thereof is not defined in Table 6 it shall be designated by a common name acceptable to the Associate Director in charge of the Plant Products Division.

TABLE 3

Minimum protein levels for registered feeds under section 3 of these Regulations.

Kind or purpose of feed	Minimum level at which protein guarantee must be made
CATTLE FEEDS	%
A. Complete or ready to feed—	
Cows on pasture.....	13
Dry and freshening cows.....	13
Growing calves.....	13
Pregnant heifers.....	13
Bulls in service.....	13
Fattening steers.....	13
Cows in milk.....	15
B. Supplements.....	24
C. Basal feeds.....	11
SWINE FEEDS	
A. Complete or ready to feed—	
Pig Starter.....	17
Pig starter-grower.....	16
Pig grower.....	15
Nursing and/or pregnant sows.....	15
Breeding gilts and boars.....	15
Hog finisher or fattener.....	13
B. Supplements—	
Starter and/or sow.....	35
General purpose.....	35

**Feeding Stuff's Act—continued**

TABLE 3

Minimum protein levels for registered feeds under section 3 of these Regulations.

Kind or purpose of feed	Minimum level at which protein guarantee must be made
	%
<b>CHICKEN FEEDS</b>	
<b>A. Complete or ready to feed—</b>	
Laying Mash—	
(a) Battery mash.....	14
(b) To be fed with scratch grains.....	16
Breeder or hatching mash.....	16
Chick starter mash.....	16
Broiler mash.....	17
Growing or range mash.....	15
Growing mash designated for confined birds.....	16
<b>B. Supplements—</b>	
Laying or general purpose.....	32
Breeder or hatching mash.....	32
Chick starter.....	32
Growing.....	30
Broiler.....	32
Fattening.....	32
<b>CHICKEN AND/OR TURKEY FEEDS (POULTRY FEEDS)</b>	
Fattening or fleshing mash—	
(a) Complete type.....	14
(b) For mixing with milk.....	12
<b>TURKEY FEEDS</b>	
<b>A. Complete or ready to feed—</b>	
Laying or breeder mash—	
(a) To be fed with scratch grains.....	18
(b) All mash type.....	15
Starting mash.....	24
Growing mash—	
(a) To be fed with scratch grains.....	18
(b) All mash.....	16
<b>B. Supplements—</b>	
Laying, hatching or breeder.....	35
Starter.....	35
Growing.....	35
<b>DUCK FEEDS</b>	
<b>Complete or ready to feed—</b>	
Laying or breeder mash.....	15
Starting mash.....	15
Growing mash.....	15
Fattening mash.....	15

## TABLE 4

Darnel (*Lolium temulentum* L.),  
Purple Cockle (*Agrostemma githago* L.),  
Cow cockle (*Saponaria vaccaria* L.),  
Wild mustard (*Brassica* species),  
False flax (*Camelina* species),  
Wormseed mustard (*Erysimum cheiranthoides* L.),  
Stinkweed (*Thlaspi arvense* L.),  
Tumbling mustard (*Sisymbrium altissimum* L.),  
Hare's-ear mustard (*Conringia orientalis* (L.) Dumort),  
Ergotized grains

Weeds under section 13 of these Regulations.

Bladder campion—*Silene cucubalus* Wibal.  
Blue weed—*Echium vulgare* L.  
Canada thistle—*Cirsium arvense* (L.) Scop.  
Chicory—*Cichorium intybus* L.  
Couch grass—*Agropyron repens* (L.) Beauv.  
Cow cockle—*Saponaria vaccaria* (L.)  
Darnel—*Lolium* spp. other than *L. perenne* L. and *L. multiflorum* Lam.  
Dock—*Rumex crispus* L. and *Rumex obtusifolius* L.  
Dodder—*Cuscuta* spp.  
Downy brome—*Bromus tectorum* L.  
False flax—*Camelina* spp.  
Field bindweed—*Convolvulus arvensis* L.  
Field peppergrass—*Lepidium campestre* (L.) R. Br.  
Flixweed—*Descurania sophia* (L.) Wats.  
Forked catchfly—*Silene dichotoma* Ehrh.  
Hoary alyssum—*Berteroa incana* (L.) D.C.  
Hoary cress—*Cardara draba* (L.) Desv.  
Johnson grass—*Sorghum halepense* (L.) Pers.  
Lamb's quarters—*Chenopodium* spp.  
Leafy spurge—*Euphorbia esula* L.  
Mustard, ball—*Neslia paniculata* (L.) Desv.  
Mustard, dog—*Erucastrum gallicum* (Willd.) O. E. Schulz,  
Mustard, hare's ear—*Conringia orientalis* (L.) Dumort.  
Mustard, tansy—*Sisymbrium incisum* Engelm.  
Mustard, tumbling—*Sisymbrium altissimum* L.  
Mustard, wild—*Brassica kaber* (DC) Wheeler, *B. juncea* (L.) Cosson  
                    *B. nigra* (L.) Koch., *B. campestris* L.  
Mustard, wormseed—*Erysimum cheiranthoides* L.  
Night flowering catchfly—*Silene noctiflora* L.  
Ox-eye daisy—*Chrysanthemum leucanthemum* L.  
Perennial sow thistle—*Sonchus arvensis* L.  
Poverty weed—*Iva axillaris* Pursh.  
Purple cockle—*Agrostemma githago* L.  
Ragweed, common—*Ambrosia artemisiifolia* L.  
Ragweed, false—*Iva xanthifolia* Nutt.  
Ragweed, great—*Ambrosia trifida* L.  
Ragweed, perennial—*Ambrosia coronopifolia* J. & G.  
Red cockle—*Lychnis dioica* L.



**Feeding Stuffs Act—continued**

Redroot pigweed—*Amaranthus retroflexus* L.  
 Ribgrass—*Plantago lanceolata* L.  
 Russian knapweed—*Centaurea repens* L.  
 Russian pigweed—*Axyris amaranthoides* L.  
 Russian thistle—*Salsola kali* L.  
 Stickseed—*Lappula echinata* Gilib.  
 Stinkweed—*Thlaspi arvense* L.  
 Toad flax—*Linaria vulgaris* Hill.  
 White cockle—*Lychnis alba* Mill.  
 Wild carrot—*Daucus carota* L.  
 Wild radish—*Raphanus raphanistrum* L.  
 Winter cress or yellow rocket—*Barbarea* spp.  
 Yellow cress—*Roripa palustris* (L.) Bess.

## TABLE 6

## DEFINITIONS

*Alfalfa, Legume and Grass Meal*

For the purposes of these Regulations:

- (a) "legume meal", "grass meal" or "legume-grass meal" is ground, unthreshed hay without the removal of leaves except as occurs naturally in hay making practice and without the addition of foreign material; it shall not contain more than 33 per cent of crude fibre;
- (b) the conditions governing the use of the term "alfalfa" shall apply in like manner when another species is named;
- (c) the general terms "legume" or "grass" may be used in lieu of named species and no species shall be named which constitutes less than 25 per cent of a mixture;
- (d) the term "dehydrated" may be prefixed to the name of any legume meal, grass meal or legume-grass meal, when the hay from which the meal was ground was dried rapidly by artificial heat;
- (e) "per cent" means per cent by weight.

*Alfalfa Meal* consists of at least 75 per cent of alfalfa.

*Alfalfa Leaf Meal* consists of at least 80 per cent of alfalfa leaves and shall not contain more than 18 per cent of crude fibre.

*Alfalfa Stem Meal* consists of alfalfa from which leaves have been intentionally separated or which contains more than 33 per cent of crude fibre.

*Alfalfa-Grass Meal* consists of at least 50 per cent of alfalfa and at least 25 per cent of grasses.

*Legume-Grass Meal* consists of at least 25 per cent of legumes and at least 25 per cent of grasses.

*Grass Meal* consists of at least 75 per cent of grasses.

## ANIMAL PRODUCTS

*Blood Meal* is ground, dried blood.

*Feeding Tankage* is the wet-rendered (tanked under live steam) and/or the dry-rendered residues from animal tissues, suitable for animal feeding and containing not less than 50 per cent of crude protein. It shall not

### Feeding Stuffs Act—continued

contain more than 35 per cent of blood. If it bears a name descriptive of its kind, composition or origin it must correspond thereto.

A product otherwise as defined but containing less than 50 per cent of crude protein shall be designated *Feeding Meat and Bone Tankage* provided that nothing shall be recognized as Feeding Meat and Bone Tankage which contains less than 40 per cent of crude protein.

*Meat Scrap* or *Meat Meal* is the dry-rendered and/or the open-kettle-rendered residues from animal tissues, suitable for animal feeding, and containing not less than 50 per cent of crude protein. It shall be free from blood except in such traces as may occur unavoidably in good factory practice. When it bears a name descriptive of its kind, composition or origin it must correspond thereto.

A product otherwise as defined but containing less than 50 per cent of crude protein shall be designated *Meat and Bone Scrap* or *Meat and Bone Meal*, provided that nothing shall be recognized as Meat and Bone Scrap or Meat and Bone Meal which contains less than 40 per cent of crude protein.

*Feeding Bone Meal* is the dried, ground product containing over 10 per cent of crude protein, free from objectionable odour, palatable and otherwise suitable for animal feeding, obtained from undecomposed bones which have been cooked to remove excess fat and meat.

*Feeding Steamed Bone Meal* is the dried, ground product containing not more than 10 per cent of crude protein, free from objectionable odour, palatable and otherwise suitable for animal feeding, obtained from undecomposed bones which have been cooked with steam under pressure.

*Bone Char* or *Bone Black* is the product obtained by charring bones in closed retorts.

*Animal Liver Meal* is the product obtained by drying and grinding liver from slaughtered mammals.

*Animal Liver and Glandular Meal* is the product obtained by drying and grinding liver and other glandular tissue from slaughtered mammals.

### BARLEY PRODUCTS

*Barley Feed* is the entire by-product resulting from the manufacture of pot or pearl barley from clean barley.

*Barley Mixed Feed* is the entire offal from the milling of barley flour from clean barley, and is composed of barley hulls and barley middlings.

### BEET PRODUCTS

*Dried Beet Pulp* is the dried residue from sugar beets which have been cleaned and freed from crowns, leaves and dirt, and from which sugar has been extracted.

### BREWERS' AND DISTILLERS' PRODUCTS

*Brewers' Dried Grains* is the dried, extracted residue of barley malt and/or other cereal grain or grain products, resulting from the manufacture of wort.

*Brewers' Dried Yeast* is the dried non-fermentive non-extracted yeast obtained as a by-product in the process of brewing.

*Malt Sprouts* is the product obtained by the removal of the sprouts from malted barley together with the malt hulls, other parts of malt and

**Feeding Stuffs Act—continued**

foreign material unavoidably present. Sprouts derived from any other cereal shall be designated by the name of that cereal (e.g. rye malt sprouts).

*Corn Distillers' Dried Grains* is the dried residue obtained in the manufacture of alcohol and distilled liquors from corn or a grain mixture in which corn predominates.

*Rye Distillers' Dried Grains* is the dried residue obtained in the manufacture of alcohol and distilled liquors from rye or a grain mixture in which rye predominates.

*Wheat Distillers' Dried Grains* is the dried residue obtained in the manufacture of alcohol and distilled liquors from wheat, or from a grain mixture in which wheat predominates.

NOTE: The term "With Solubles" may be added to the name of Distillers' Dried Grains which contains the major portion of the condensed screened stillage dried therewith.

*Semi-Solid Distillers' Solubles* is the product obtained in the manufacture of alcohol and distilled liquors from grain or molasses by condensing to a syrupy consistency the screened stillage obtained therefrom. When the source is indicated it shall correspond thereto.

*Dried Distillers' Solubles* is the product obtained by drying semi-solid Distillers' Solubles. When the source is indicated it shall correspond thereto.

**BUCKWHEAT PRODUCTS**

*Buckwheat Shorts* or *Buckwheat Middlings* are the portions of the buckwheat grain immediately inside the hull, as separated from the flour.

**COCOANUT PRODUCTS**

*Cocoanut Oil Meal* or *Copra Oil Meal* is the ground residue after extraction of oil from the dried meat of the cocoanut.

**CORN PRODUCTS**

*Corn Bran* is the outer coating of the corn kernel, with little or none of the starchy part or the germ.

*Corn Feed Meal* is the fine particles sifted from ground or cracked corn.

*Corn Grits* or *Hominy Grits* are the fine or medium sized hard, flinty portions of sound Indian corn, with little or none of the bran or germ.

*Corn Gluten Feed* is that part of commercial shelled corn that remains after the extraction of the larger part of the starch and germ by the processes employed in the wet milling manufacture of corn starch or corn syrup. It may or may not contain either corn solubles or corn oil meal.

*Corn Gluten Meal* is that part of commercial shelled corn that remains after the extraction of the larger part of the starch and germ, and the separation of the bran by the processes employed in the wet milling manufacture of corn starch or syrup. It may or may not contain either corn solubles or corn oil meal.

*Maltose Process Corn Gluten Feed* is the dried residue from degermed corn, after removal of the starch in the manufacture of malt syrup.



**Feeding Stuff Act—continued**

*Hominy Feed* is a mixture of the bran, germ and starchy part of corn as produced in the manufacture of pearl hominy, hominy grits or table meal, and shall contain not less than 5 per cent of crude fat. When prefixed with the words "white" or "yellow," the product shall be from corn of the colour indicated.

*Corn Oil Cake* is the residual product after extraction of oil from corn germ as separated in the wet milling process of manufacture of corn starch, corn syrup and other corn products.

*Corn Oil Meal* is ground corn oil cake.

*Corn Germ Cake* is the residual product after extraction of oil from corn germ with other parts of the corn kernel as separated in the dry milling process of manufacture of corn meal, corn grits, hominy feed and other corn products.

*Corn Germ Meal* is ground corn germ cake.

**COTTONSEED PRODUCTS**

*Cottonseed Cake* is a product of the cottonseed only, containing not less than 36 per cent of crude protein and composed principally of the kernel with such portion of the hull as is necessary in the manufacture of oil. If it be firm but not flinty in texture, of sweet odour, free from mould, and will produce a meal of prime quality, it may be designated "Cottonseed Cake, Prime Quality"; otherwise it shall be designated "Cottonseed Cake, Off Quality".

*Cottonseed Meal* is ground cottonseed cake. If it be finely ground, of sweet odour, reasonably bright in colour, yellowish, not brown nor reddish, and free from excessive lint, it may be designated "Cottonseed Meal, Prime Quality"; otherwise it shall be designated "Cottonseed Meal, Off Quality".

*Cottonseed Feed* is a mixture of cottonseed meal and cottonseed hulls, containing less than 36 per cent of crude protein.

*Whole Pressed Cottonseed* is the product resulting from subjecting the whole, sound, mature, clean, undecorticated cottonseed to pressure for the extraction of oil, and includes the entire cottonseed less the oil extracted and the lint removed.

**LINSEED AND FLAX PRODUCTS**

*Linseed Cake* or *Oil Cake* is the residual product after extraction of oil from commercially pure flaxseed. It shall not contain more than 0.5 per cent of acid insoluble ash. When designated as to the process employed in extracting the oil, it shall correspond thereto. When ground, it shall be so designated by the prefix "ground" or the suffix "meal" or by substituting the word "meal" for the word "cake".

*Ground Flaxseed* or *Flaxseed Meal* is the product obtained by grinding commercially pure flaxseed.

*Unscreened Flaxseed Oil Feed Cake* is the residual product after extraction of oil from flaxseed which is not of commercial purity. When ground it shall be so designated.

*Screenings Oil Feed* is the residual product after the extraction of oil from flaxseed screenings.



**Feeding Stuffs Act—continued****MARINE PRODUCTS**

*White Fish Meal* is the clean, dried, ground residue, containing not more than 4 per cent of oil, from undecomposed, whole, non-fatty, white-fleshed fish, including cod, haddock, hake, cusk, pollock, skates and monkfish, and/or cuttings thereof.

*Fish Meal* is the clean, dried, ground residue, containing not more than 9 per cent of oil, from undecomposed, whole fish and/or fish cuttings.

*Oil-y Fish Meal* is the clean, dried, ground residue, containing more than 9 percent of oil, from undecomposed, whole fish and/or fish cuttings.

*Fish Residue Meal* is the clean, dried, undecomposed residue from the manufacture of glue from non-oily fish.

*Whale Meal* is the clean, dried, ground residue after the extraction of oil from undecomposed whale flesh.

*Cod Liver Meal* is the clean, dried, ground residue after the extraction of oil from undecomposed livers of the cod.

NOTE: Any of the above defined marine products—

- (a) which is designated as to the kind or type of fish employed in its manufacture shall correspond thereto,
- (b) shall be free from any solvent,
- (c) shall include the percentage of salt as part of the brand or name when the salt content exceeds 4% by weight. (e.g. Fish Meal 6% Salt).

*Condensed Fish Solubles* is the product obtained by condensing the solutions from the hydraulic process of oil extraction from fish.

*Cod Liver Oil* is oil from the livers of the cod.

*Herring Oil* is oil from whole herring or parts thereof.

*Menhaden Oil* is oil from whole menhaden or parts thereof.

*Pilchard Oil* or *Sardine Oil* is oil from whole Pacific pilchard or sardine, or parts thereof.

*Salmon Oil* is oil from salmon or parts thereof.

*Salmon Liver Oil* is oil from the livers of salmon.

*Tuna Oil* is oil from tuna or parts thereof.

**OAT PRODUCTS**

*Oat Groats* or *Hulled Oats* are oats with the hulls removed.

*Oatmeal* or *Rolled Oats* is hulled oats or particles therefrom, obtained in the milling of table cereals and containing not more than 2 percent of crude fibre.

*Oat Middlings* is the by-product containing not more than 4 percent of crude fibre, obtained in the milling of table cereals from clean oats.

*Oat Shorts* is the by-product containing not more than 7 percent of crude fibre, obtained in the milling of table cereals from clean oats.

*Oat Feed* is the by-product containing not more than 22 per cent of crude fibre, obtained in the milling of table cereals from clean oats.

*Oat Hulls* are the outer coverings of threshed oats and any by-product obtained in the milling of table cereals from clean oats and containing more than 22 per cent of crude fibre shall be designated as "oat hulls".

**Feeding Stuffs Act—continued**

PEA PRODUCTS

*Pea Bran* is the coarse outer covering of threshed peas.

PEANUT PRODUCTS

*Peanut Oil Cake* is the residual product after the extraction of oil from peanut kernels.

*Peanut Oil Meal* is ground peanut oil cake.

*Unhulled Peanut Oil Feed* is the residual product after extraction of oil from whole peanuts.

*Peanut Skins* is the thin red-brown outer covering of the peanut kernel exclusive of hulls and may contain broken peanut kernels.

*Peanut Meal* or *Ground Peanuts* is ground peanut kernels and may contain peanut skins not exceeding the proportions in which they occur naturally.

RICE PRODUCTS

*Rice Bran* is the pericarp or bran layer of rice, with only such quantity of hull fragments as is unavoidable in the regular milling of rice.

*Rice Polish* is the finely powdered material obtained in polishing rice kernels.

*Rice Feed* is the mill-run by-product obtained in the manufacture of polished rice from hulled rice, and consists of rice bran, rice polish and broken rice particles.

RYE PRODUCTS

*Rye Bran* is the coarse, outer covering of the rye kernel as separated in the usual processes, other than scouring, of flour milling.

*Rye Shorts* consists of fine particles of bran, germ and a small proportion of low-grade or fibrous flour as separated in the usual processes of flour milling. It shall contain not more than 8 per cent of crude fibre.

*Rye Middlings* consists of a small proportion of fine bran particles, germ and a large proportion of low-grade or fibrous flour as separated in the usual processes of flour milling. It shall contain not more than 4.5 per cent of crude fibre.

*Rye Feed* is the mill-run by-product separated in the usual processes, other than cleaning or scouring, of flour milling.

SCREENINGS AND SCOURINGS

*No. 1 Feed Screenings* consists of wild buckwheat and broken and shrunken grain and may contain small proportions of other seeds of feeding value and wheat scourings. It shall contain not more than 7 per cent of crude fibre, not more than 3 per cent of small weed seeds, chaff and dust combined, not more than 5 per cent of ball mustard, not more than 6 per cent of small weed seeds, chaff, dust and ball mustard combined, not more than 8 per cent of wild oats, and shall be cool and sweet.

*No. 2 Feed Screenings* is grain screenings with or without wheat scourings and containing not more than 11 per cent of crude fibre, not more than 3 per cent of small weed seeds, chaff and dust combined, not more than 10 per cent of ball mustard, not more than 10 per cent of small weed seeds, chaff, dust and ball mustard combined, not more than 49 per cent of wild oats, and shall be cool and sweet.

**Feeding Stuffs Act—continued**

*Uncleaned Screenings* is grain screenings excluded from the preceding grades or classes because of the content of weed seeds, chaff or dust, but containing at least 35 per cent of material which, if separated, would classify as No. 1 Feed Screenings.

*Refuse Screenings* includes all classes of grain screenings excluded from the preceding grades or classes because of the content of weed seeds, chaff or dust. PROVIDED THAT—

- (a) whole (unground) screenings, when sold under certificate of class or grade issued by an inspector appointed under the provisions of the Canada Grain Act, may bear the class or grade designation indicated in such certificate;
- (b) screenings from small seeds, such as clovers and grasses, may be classified according to the crop seed from which obtained;
- (c) No. 1 Feed Screenings or No. 2 Feed Screenings shall contain not more than 1 per cent of seeds or materials injurious to, or unsuitable for feeding livestock;
- (d) small weed seeds shall be those capable of passing through a  $4\frac{1}{2}/64$  inch round perforation.

*Scourings* consist of such portions of the cuticle, brush, white caps and other materials as are separated from grain in the usual commercial process of scouring.

**SOYBEAN PRODUCTS**

*Soybean Oil Cake* or *Soybean Oil Chips* is the residual product after extraction of oil from soybeans.

*Soybean Oil Meal* is ground soybean oil cake or ground soybean oil chips.

**WHEAT PRODUCTS**

*Bran* is the coarse, outer covering of the wheat kernel as separated in the usual processes, other than scouring, of flour milling.

*Shorts* consists of fine particles of bran, germ and a small proportion of low-grade or fibrous flour as separated in the usual processes of flour milling.

*Middlings* consists of a small proportion of fine bran particles, germ and a large proportion of low-grade or fibrous flour as separated in the usual processes of flour milling.

*Feed Flour* consists of wheat starch and gluten with a very small proportion of fine bran particles and germ, as separated in the usual processes of flour milling.

*Wheat Germ* is the embryo with not over 25 per cent of other parts of the wheat kernel.

**MISCELLANEOUS PRODUCTS**

*Dried Fermentation Solubles* is the product obtained by drying the liquid by-product resulting from the action of the ferment on the basic medium of grain, molasses, whey or other material. When the source is indicated it shall correspond thereto.

*Mustard Seed Oil Meal* is the ground residual product after extraction of oil from commercially pure mustard seed.



**Feeding Stuff's Act—concluded**

*Rapeseed Oil Meal* is the ground residual product after extraction of oil from commercially pure rapeseed.

*Sunflower Seed Oil Meal* is the ground residual product after extraction of oil from sunflower seed.

*Molasses* is the by-product obtained in the process of manufacturing sugar and which contains not less than forty-eight per cent of sugar expressed as invert sugar or dextrose.

JAMES G. GARDINER,  
*Minister of Agriculture.*

October 15, 1949.

**FERRIES ACT. (R.S.C., 1927, c. 68).**

Regulations have been made by the Governor in Council for each international and inter-provincial ferry operating under the Ferries Act, setting out in detail the rates and tolls to be charged, the requirements with respect to equipment, the hours and conditions of operating, etc. As such regulations are largely of local interest they have not been included in this Consolidation. A copy of the regulations governing the operation of any particular ferry may be obtained on application to the Secretary, Department of Public Works, Ottawa.

**FERTILIZERS ACT. (R.S.C., 1927 c. 69).**

**Regulations under the Act**

UNDER AND BY VIRTUE of the provisions of the Fertilizers Act, the Minister of Agriculture has made the following Regulations, and the same are hereby made and established accordingly:

**FERTILIZER DEFINED**

1. For the purpose of the Act and these Regulations, any substance or material containing nitrogen, phosphoric acid or potash, in forms considered suitable for the nutrition of plants, shall be regarded as a fertilizer; except the following materials when offered, sold, invoiced or delivered under their correct respective names as defined in Regulation 3 hereof, and without expressing or implying any content of nitrogen, phosphoric acid, potash or other plant food:

Compost or gardener's compost, humus, hotbed manure, barnyard or stable manure, stockyard manure, paunch manure, street sweepings, slaughterhouse refuse, fish or fish refuse, garbage, cannery or sugar beet refuse and other refuse or manure.

**FERTILIZERS THAT MAY BE EXCEPTED FROM THE 20 PER CENT MINIMUM PLANT FOOD STANDARD**

2. The fertilizers listed hereunder may be excepted from the standards prescribed in section 6 (a) of the Act provided that they are commercially pure and contain not less than the percentages of plant foods set opposite their names as follows:



**Fertilizers Act—continued**

Basic slag .....	10%	total phosphoric acid
Bone char .....	25%	total phosphoric acid
Bone meal or flour .....	{ 1% total nitrogen	
	{ 10% available phosphoric acid	
	{ 18% total phosphoric acid	
Bone phosphate .....	{ 16% available phosphoric acid	
	{ 24% total phosphoric acid	
	{ 3% total nitrogen	
Bone tannage .....	{ 8% available phosphoric acid	
	{ 15% total phosphoric acid	
Calcium Nitrate .....	15%	water soluble nitrogen
Dried blood or blood meal...	{ 10% available nitrogen	
	{ 12% total nitrogen	
	{ 6% total nitrogen	
Dried blood and bone .....	{ 5% available phosphoric acid	
	{ 11% total phosphoric acid	
Fish scrap or meal .....	{ 7% total nitrogen	
	{ 3% total phosphoric acid	
Kainit .....	14%	potash $K_2O$
Natural rock phosphate .....	25%	total phosphoric acid
Nitrate of Soda .....	16%	water soluble nitrogen
Nitrochalk .....	16%	water soluble nitrogen
Organite .....	{ 6% total nitrogen	
	{ 2% total phosphoric acid	
Sheep, cattle, poultry or other animal manures in bags...	{ 2% total nitrogen	
	{ 1% total phosphoric acid	
	{ 1% potash	
Superphosphate .....	18%	available phosphoric acid
Soybean meal .....	6%	total nitrogen
	{ 8 6% available nitrogen	
Tannage or animal tannage...	{ 5 or 6% available phosphoric acid	
	{ 7 12% total phosphoric acid	
Whale meat and blood .....	{ 9% available nitrogen	
	{ 11% total nitrogen	
Whale meat and bone .....	{ 5% total nitrogen	
	{ 4% total phosphoric acid	

**NOMENCLATURE OF FERTILIZER MATERIALS AND BRAND NAMES**

3. The following are the brand names and definitions for fertilizer materials that shall be used, provided that such materials are commercially pure:

(1) *Ammonium nitrate or nitrate of ammonia* ( $NH_4NO_3$ ) is the product obtained by introducing ammonia gas ( $NH_3$ ) into nitric acid ( $HNO_3$ ) and containing not less than thirty-one per cent (31%) of water soluble nitrogen in the forms of nitrate and ammoniated nitrogen.

(2) *Ammonium phosphate* is the product obtained by combining chemically, ammonia with phosphoric acid and containing varying percentages of nitrogen and phosphoric acid according to the proportions of ammonia and phosphoric acid combined in the process. The abbreviated analysis of ammonium phosphate must always be stated as a prefix to the brand name. Example: "11-48 ammonium phosphate".

**Fertilizers Act—continued**

(3) *Ammonium sulphate or sulphate of ammonia* ( $\text{NH}_4\text{-SO}_4$ ) is the product derived from the destructive distillation of coal or by other process and containing not less than twenty per cent (20%) of water soluble nitrogen (N) in the ammoniacal form.

(4) *Basic slag* is a by-product of the manufacture of steel in blast furnaces and containing not less than fourteen per cent (14%) of available phosphoric acid and sixteen per cent (16%) of the total phosphoric acid and with a fineness of at least eighty per cent (80%). When the analysis is lower than that specified above the product shall be named "low grade basic slag". The percentage of the available phosphoric acid must always be given as a prefix to the brand name. Example: "16% basic slag".

(5) *Bone char* is obtained by burning bones in a closed retort and as a by-product from sugar refineries, and containing not less than twenty-five per cent (25%) of total phosphoric acid ( $\text{P}_2\text{O}_5$ ).

(6) *Bone meal* or bone flour is animal bone treated under live steam, dried and ground and containing not less than one per cent (1%) of total nitrogen (N), ten per cent (10%) of available phosphoric acid ( $\text{P}_2\text{O}_5$ ) and eighteen per cent (18%) of total phosphoric acid ( $\text{P}_2\text{O}_5$ ).

(7) *Bone phosphate* is animal bone deprived of fat and collagen, dried and ground and containing not less than sixteen per cent (16%) of available phosphoric acid ( $\text{P}_2\text{O}_5$ ) and twenty-four per cent (24%) of total phosphoric acid ( $\text{P}_2\text{O}_5$ ).

(8) *Bone tankage* is animal tissue and bone from animals processed by wet or dry rendering or with solvents, dried and ground, and containing not less than three per cent (3%) of total nitrogen (N), eight per cent (8%) of available phosphoric acid ( $\text{P}_2\text{O}_5$ ), and fifteen per cent (15%) of total phosphoric acid ( $\text{P}_2\text{O}_5$ ).

(9) *Calcium nitrate or nitrate of lime* ( $\text{Ca}(\text{NO}_3)_2$ ) is the product of an electrical process in which nitrogen gas and lime are combined, and containing not less than fifteen per cent (15%) of water soluble nitrogen (N) in the nitrate form.

(10) *Compost, gardener's compost, humus and leaf mould*, are homogeneous and friable mixtures of earth and well rotted organic matter, and shall be only as the name indicates.

(11) *Cyanamid or calcium cyanamid* ( $\text{CaCN}_2$ ) is the product of an electrical process in which calcium carbide and nitrogen gas are combined and containing not less than twenty per cent (20%) of water soluble nitrogen (N), chiefly in organic form.

(12) *Dried blood or blood meal* is the blood of animals, treated under live steam, dried and ground, and containing not less than ten per cent (10%) of available nitrogen (N) and twelve per cent (12%) of total nitrogen (N) in organic form.

(13) *Dried blood and bone* is blood and bone from animals processed by wet or dry rendering or with solvents, dried and ground, and containing not less than six per cent (6%) of total nitrogen (N), five per cent (5%) of available phosphoric acid ( $\text{P}_2\text{O}_5$ ) and eleven per cent (11%) of total phosphoric acid ( $\text{P}_2\text{O}_5$ ).

(14) *Dried, pulverized or shredded manures* shall be only as the name indicates (such as sheep, poultry, hog or cattle manure) and not mixtures of these manures and other substances or materials.

**Fertilizers Act—continued**

(15) *Fish scrap or meal* is fish tissue, bone and waste treated under live steam, dried and ground and containing not less than seven per cent (7%) of nitrogen (N) and three per cent (3%) of phosphoric acid ( $P_2O_5$ ).

(16) *Garbage* is refuse animal or vegetable matter from kitchens.

(17) *Garbage tankage* is the rendered, dried and ground product derived from waste household food materials.

(18) *Guano* is the natural unadulterated and ground excrement of sea birds and marine animals.

(19) *Hotbed manure* is fresh horse excrement mixed with litter capable of heating under general atmospheric conditions and containing no added water.

(20) *Kainit* is a natural potash salt containing potassium and sodium chlorides and sometimes magnesium salts and not less than fourteen per cent (14%) of potash ( $K_2O$ ).

(21) *Muriate of potash* is a potash salt containing not less than fifty per cent (50%) of potash ( $K_2O$ ), chiefly as chlorides. The percentage of the water soluble potash must always be given as a prefix to the brand name. Example: "50% muriate of potash".

(22) *Natural rock phosphate* is a product of the mine containing not less than twenty-five per cent (25%) of total phosphoric acid ( $P_2O_5$ ) and ground to a fineness of at least eighty per cent (80%).

(23) *Nitrochalk* is the product obtained by mixing ammonium nitrate with carbonate of lime and containing not less than sixteen per cent (16%) of water soluble nitrogen (N) in the forms of nitrate and ammoniacal nitrogen.

(24) *Nitrate of soda or sodium nitrate* ( $NaNO_3$ ) is the nitrate of soda derived from a natural product of the mine or obtained by artificial process and containing not less than sixteen per cent (16%) of water soluble nitrogen (N), chiefly in the form of nitrate.

(25) *Organite* is decomposed sewage or other organic matter, dried and ground and containing not less than four per cent (4%) of available nitrogen (N), six per cent (6%) of total nitrogen (N) and two per cent (2%) of phosphoric acid ( $P_2O_5$ ).

(26) *Paunch manure* is slaughterhouse refuse and offal mixed with straw or other organic absorbent and containing no added water.

(27) *Potash manure salts* are natural potash salts containing high percentages of chlorides and not less than twenty-five per cent (25%) of potash ( $K_2O$ ).

(28) *Potassium nitrate or nitrate of potash* ( $KNO_3$ ) is the product obtained by the interaction of a potassium salt with a nitrate salt or nitric acid and containing not less than twelve per cent (12%) of water soluble nitrogen (N) in the nitrate form, and not less than forty-four per cent (44%) of potash ( $K_2O$ ).

(29) *Rotted barnyard, stable, stockyard or paunch manure* is manure from these sources when well rotted in the pile and containing no added water.

(30) *Slaughterhouse, fish, cannery, or sugar-beet refuse* is refuse from slaughterhouses, abattoirs, rendering plants, glue factories, and the fish and sugar beet industries.



**Fertilizers Act—continued**

(31) *Stockyard manure* is animal excrement mixed with litter as taken from the stockyards and containing no added water.

(32) *Sulphate of potash-magnesia* is a potash salt containing not less than twenty-two per cent (22%) of water soluble potash ( $K_2O$ ) in the sulphate form and not less than sixteen per cent (16%) of water soluble magnesium calculated as ( $MgO$ ).

(33) *Sulphate of potash* is a potash salt containing not less than forty-eight per cent (48%) of potash ( $K_2O$ ), chiefly as sulphate and not more than two point five per cent (2.5%) of chlorine ( $Cl$ ).

(34) *Superphosphate* is the product obtained by treating natural rock phosphate with sulphuric acid and containing not less than eighteen per cent (18%) of available phosphoric acid ( $P_2O_5$ ). The percentage of the available phosphoric acid must always be given as a prefix to the brand name. Example: "20% Superphosphate".

(35) *Tankage or animal tankage* is animal tissue and residue processed by wet or dry rendering or with solvents, dried and ground, and containing not less than six per cent (6%) of available nitrogen ( $N$ ), six per cent (6%) of available phosphoric acid ( $P_2O_5$ ), and twelve per cent (12%) of total phosphoric acid ( $P_2O_5$ ); or eight per cent (8%) of available nitrogen ( $N$ ), five per cent (5%) of available phosphoric acid ( $P_2O_5$ ), and seven per cent (7%) of total phosphoric acid ( $P_2O_5$ ); and the brand name shall include as a prefix or a suffix the abbreviated analysis of the tankage. Example: "6-12-0 tankage" or "tankage 6-12-0".

(36) *Urea* is the product obtained when synthetic ammonia and carbon dioxide are brought together under high pressure, and contains not less than forty per cent (40%) of nitrogen ( $N$ ) in the organic form.

(37) *Whale meat and bone* is whale meat, bone and blood treated under live steam, dried and ground and containing not less than five per cent (5%) of total nitrogen ( $N$ ) and four per cent (4%) of total phosphoric acid ( $P_2O_5$ ).

(38) *Whale meat and blood* is the meat and blood of the whale treated under live steam, dried and ground and containing not less than nine per cent (9%) of available nitrogen ( $N$ ) and eleven per cent (11%) of total nitrogen ( $N$ ) in organic form.

BRAND NAMES OF FERTILIZERS

4. Brand names of fertilizers shall comply with the following requirements:

- (a) When a fertilizer consists of a single material its brand name shall be as indicated in Regulation 3 hereof. Example: "Sulphate of Ammonia".
- (b) When a fertilizer consists of two materials each containing one and the same kind of plant food, nitrogen, phosphoric acid or potash, the brand name shall be confined to the names of both such materials as indicated in Regulation 3 hereof. Example: "basic slag and natural rock phosphate", and the material contributing the highest percentage of plant food shall be stated first in the brand name.
- (c) When a fertilizer consists of a single material containing two or three of the plant foods, nitrogen, phosphoric acid and potash, its



**Fertilizers Act—continued**

brand name shall be confined to the name of the material as indicated in Regulation 3 hereof. Example: "tankage".

- (d) When a fertilizer consists of two or more materials containing different plant foods, the brand name shall not include the name of any one of the materials but shall include as a prefix or suffix to the brand name the abbreviated analysis of the fertilizer. Example: "2-12-6 (brand name)" or "(brand name) 2-12-6".
- (e) An abbreviated analysis as referred to in paragraph (d) hereof shall be regarded as sufficient for a brand name when used alone.
- (f) The brand name shall not include the name or other designation of any florist, garden or field crop or group of crops, or type or types of soil, except in the case of tobacco fertilizers as follows: the brand name "tobacco fertilizer" may be used when the guaranteed analysis and the constituent materials of the fertilizer are accepted for registration as suitable for tobacco, and provided that an additional statement is made on each bag or package containing the fertilizer or on a label attached thereto, showing the percentage of each of the forms of nitrogen as follows:

Nitrate nitrogen .....	%
Ammoniacal nitrogen .....	%
Organic nitrogen .....	%

Provided also that the content of Chlorine (Cl) in tobacco fertilizers shall not exceed two per cent (2%) unless authorized in writing by the Plant Products Division, Dominion Department of Agriculture, Ottawa.

- (g) The word "fertilizer" shall be used as a prefix or suffix to the brand names bone meal or bone flour, bone tankage, tankage or animal tankage, dried blood or blood meal, dried blood and bone, wheal meat and bone, whale meat and blood or mixtures of any of these materials. Example: "fertilizer bone meal" or "bone meal fertilizer".

**REGISTRATION OF FERTILIZERS**

- 5. (1) The form of application for registration shall be as follows:

PLANT PRODUCTS DIVISION,  
Department of Agriculture,  
Ottawa, Canada.

Sir,—In compliance with section 4 of the Fertilizers Act, application is hereby made for the registration of a fertilizer described as follows:

Brand name .....  
Trade-mark (if any) .....  
Guaranteed analysis:  
Water soluble nitrogen (N).....Per cent .....  
Total nitrogen (N) ..... "  
Available phosphoric acid ( $P_2O_5$ )..... "  
Total phosphoric acid ( $P_2O_5$ )..... "  
Potash soluble in water ( $K_2O$ )..... "  
Fineness ..... "

**Fertilizers Act—continued**

Other guarantees:

Nitrate nitrogen (N) .....	"	.....
Ammoniacal nitrogen (N) .....	"	.....
Organic nitrogen (N) .....	"	.....
Chlorine (Cl) .....	"	.....
Lesser plant foods .....	lbs. per ton.....	

Name of each material from which the fertilizer is made:

.....

Name and address of the manufacturer or importer.....

.....

I hereby declare that the information given in respect to this fertilizer is true and complete.

Signature of applicant .....

Position or title .....

Address .....

Registration fee enclosed .....

Date .....

(Signature and address of resident agent when the applicant is non-resident in Canada)

(2) A duly appointed resident agent or representative of a non-resident applicant for registration shall file with the Minister a declaration in the following form before signing any application by his principals for a registration:

To wit:

I, ..... of .....  
 (Name in full) (Post Office Address)

in the county or district of ..... in the province  
 of ..... do hereby declare:

That I am the duly appointed agent or representative of .....

.....  
 (Name of person or company)

.....  
 (Business address) (Country)

and that I agree to sign each application for the registration of fertilizer by the aforesaid person or company, and that I undertake to be held responsible for any violation of the Fertilizers Act and Regulations thereunder in connection with the sale of fertilizer registered in the name of the aforesaid person or company until I am legally freed of this responsibility.

Declared and

Signed before me ..... }  
 in the county or district of ..... }  
 in the province of ..... }

This ..... day of ..... A.D.....  
 (A Justice of the Peace, etc.) (Agent or Representative)

(3) No person or company shall be assigned the same 'brand name registered under the Fertilizers Act by another person or company nor a brand name that has been registered as applying to the merchandising of fertilizer under the Trade Marks and Design Act or the Unfair Competition Act, 1932.

**Fertilizers Act—continued**

(4) A registration or a renewal of registration shall not be permitted in advance of the fee being paid, and all cheques submitted as payment of the fee must be marked accepted by a bank and made payable to the Receiver-General of Canada.

**INFORMATION REQUIRED ON PACKAGES, TAGS AND LABELS**

6. (1) All the information required on packages, tags or labels, shall be printed plainly, legibly and indelibly.

(2) When the fertilizer is sold in the province of Quebec, the required information shall be printed in the French language on one side of the package or tag and in the English language on the other side.

(3) The required information shall not be marked or printed in any foreign language.

(4) The statement of guaranteed analysis required to be marked or printed on packages, tags and labels, may include further information indicating the sources of the plant food, such as follows:

Nitrate nitrogen (N) .....	per cent
Ammoniacal nitrogen (N) .....	"
Organic nitrogen (N) .....	"
Potash ( $K_2O$ ) as sulphate .....	"

(5) When a claim is made for any plant food substance or element in a fertilizer or other substance for any purpose, in addition to Nitrogen, Phosphoric acid or Potash, the name of such substance or element and its quantity in the fertilizer, expressed in pounds per ton, shall be marked on the package containing the fertilizer or label attached thereto: Provided that in the case of boron, copper and manganese, such marking shall include additionally the phrase:

"*Caution:* This fertilizer contains .....  
(name of ingredient)

and should be used only on crops or soils where experimental evidence has proven it to be beneficial. It may prove harmful when misused."

**OTHER MATERIALS CLAIMED TO HAVE BENEFICIAL PROPERTIES**

7. (1) Manufacturers, importers or vendors, prior to offering for sale a product which they claim to contain any substance or material subject to the provisions of section 6 (b) of the Act, shall furnish the Plant Products Division, Dominion Department of Agriculture, Ottawa, with statements of all claims and samples of all advertising matter for use in connection with the sale of such product together with a representative sample of the product and its formula and chemical analysis. Every such product shall be withheld from sale unless recommended by an Advisory Board appointed under the Act and authorized in writing by the Plant Products Division, Dominion Department of Agriculture, Ottawa.

(2) Each such product shall include every culture claimed to contain beneficial bacteria when used in crop production, every soil amendment (excepting agricultural lime) humus, peat, and similar natural organic materials, and materials containing any of the lesser plant foods such as boron, cobalt, copper, iron, magnesium, manganese, molybdenum, sodium, sulphur and zinc, or any hormone or vitamin or other substance for any purpose.

(3) Each container of a bacterial culture sold subject to the provisions of section 6 (b) of the Act shall be marked with the date of its production.

8. (1) (a) When the fertilizer content of each package is less than five (5) pounds in weight, the entire package shall constitute the official sample;
- (b) When official samples are taken from fertilizer in a bag or barrel or other large package, an approved tube sampler shall be used, so as to draw therefrom a representative quantity of the fertilizer which shall constitute the official sample; or,
- (c) The content of the bag or package shall be deposited on a clean, smooth surface and thoroughly mixed, and the official sample shall be drawn therefrom by the method known as "quartering";
- (d) When the official sample is taken from more than one package, the parts taken from the individual packages shall be thoroughly mixed, and the official sample shall be drawn therefrom by the method known as "quartering";
- (e) When the fertilizer is in bulk, the parts taken from the ten different sections thereof as required by section 12 (2) of the Act shall be thoroughly mixed and the official sample shall be drawn therefrom by the method known as "quartering".

(3) If the seller is not present when the official sample is taken, the seller's part of the sample may be left with his representative, or forwarded to the seller by registered mail.

(4) The two parts of an official sample, i.e. the one to be forwarded to an official analyst and the other to be left with the seller, shall be sealed in the same kind of container, and shall be similar in quantity as determined by estimating their weights by hand.

**9.** The methods of examination and analysis employed under the Act shall be those last published as finally approved by the Association of Official Agricultural Chemists of North America (A.O.A.C.) or other methods as approved by the Advisory Board under the Act.

**10.** (1) Every shipment or importation of fertilizer into Canada for any purpose shall be accompanied by a signed statement of the shipper or importer, made in triplicate and attached to the documents for customs purposes.

The Collector of Customs,  
Port of ..... Date.....  
I, ..... the (Shipper.....  
(Name) or importer) (Address)  
do hereby certify as to the correctness of the following information in respect  
to this shipment of fertilizer for entry into Canada.



Fertilizers Act—concluded

The name and address of the manufacturer of the fertilizer.....

The name and address of the shipper or importer (if this statement is signed by the shipper give name of importer; if signed by importer give name of shipper).

Brand names	Reg. Nos.	Guaranteed Analysis			Quantity of each brand (lbs.)
		N	P <sub>2</sub> O <sub>5</sub>	K <sub>2</sub> O	
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

Dating stamp of port at which fertilizer cleared of customs

.....  
(Signature of Shipper or Importer)  
.....  
(Address)

Forms as above will be supplied upon request at any office of the Plant Products Division, Dominion Department of Agriculture.

- (3) (a) The Collector of Customs at the port of entry will forward one copy of the said signed statement of the shipper or importer to the nearest district office of the Plant Products Division, Dominion Department of Agriculture.
- (b) Collectors of Customs may hold in bond any fertilizer until it fully conforms with the requirements of the Act and of these Regulations, or refuse the importation of any fertilizer when advised by an inspector that it has not been registered as required by the Act or that its sale in Canada would be contrary to any of the provisions of the Act or any regulation made thereunder.

11. These Regulations shall be effective as from November 1, 1948, and all previous regulations made under the Act shall be rescinded.

JAMES G. GARDINER,  
Minister of Agriculture.

Dated at Ottawa, this 11th day of November, 1948.

FILMS

See NATIONAL FILM ACT

FIREARMS AND OTHER OFFENSIVE WEAPONS, IMPORTATION OF

See CUSTOMS ACT

FIRE FIGHTERS WAR SERVICE BENEFITS ACT, (1946, c. 52)

No statutory orders or regulations have been made under this statute.

**FISH INSPECTION ACT. (R.S.C., 1927, c. 72)**

*See also MEAT AND CANNED FOODS ACT (Regulations Governing the inspection of canned fish and shellfish and the operation of canneries).*

- 1. Provisions of Act extended to frozen ground fish.*
- 2. Whitefish Inspection Regulations.*
- 3. Application of Act extended to various kinds of fish and containers.*
- 4. Construction of containers and the curing and packing of fish.*

**1. Provisions of Act extended to include and apply to frozen ground fish, etc.**

P.C. 4030

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of September, 1946

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS experiments of the Fisheries Research Board at the Halifax Station over a period of years have developed standards of quality for frozen fish and methods of rapid chemical analyses of samples to determine quality, which have proven successful in the past few years in connection with the supplies of frozen fish for war and relief purposes;

AND WHEREAS the officials of the Department of Fisheries and of the Fisheries Research Board have had conferences with the representatives of the fresh and frozen fish industry, and the latter strongly urge the adoption of some practical measures of quality control, and it is considered that this can best be done by instituting an accepted voluntary system of inspection in processing plants and control of an approved method of marking such inspected frozen fish;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, and under the authority of section 3 of the Fish Inspection Act, is pleased to order and doth hereby order that the provisions of the said Act shall extend and apply to frozen ground fish (cod, haddock, halibut, cusk, pollock, redfish, flatfish and catfish) and to the containers thereof, as well as to the establishments where such fish are processed.

His Excellency in Council, on the same recommendation and under the authority of section 4 of the said Act, is further pleased to make the attached Regulations for Voluntary Inspection of Frozen Ground Fish, and they are hereby made and established effective November 1, 1946.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**Fish Inspection Act**—*continued**Regulations for Voluntary Inspection of Frozen Ground Fish*

1. In these regulations, unless the context otherwise requires,

- (a) "Ground Fish" means cod, haddock, halibut, cusk, pollock, redfish, flatfish, and catfish.
- (b) "processor" means a person who prepares ground fish as frozen fish in any form.

2. The Minister may in his discretion and upon such terms and conditions as he may prescribe, grant to any processor in any of the provinces of Nova Scotia, New Brunswick, Prince Edward Island or Quebec, permission to mark the wrappers of containers of frozen ground fish prepared by him with a crown enclosing the words "CANADA APPROVED" as illustrated:



3. Any processor desiring to obtain permission under these regulations may apply therefor to the Minister on a form provided by the Department.

4. When the Minister grants permission to any processor under these regulations, he may issue a certificate therefor and assign a registered number for each ground fish processing plant operated by such processor and no other processor shall use the number so assigned.

5. All ground fish processed by a processor to whom permission has been granted under these regulations and all ground fish processing plants operated by him shall be under the supervision of inspecting officers appointed for that purpose and shall be subject to inspection at all times.

6. The permission granted under these regulations shall be valid for the period of time stated in the certificate but may be revoked at any time when the Minister is of the opinion that the processor has failed to observe any of the terms or conditions upon which the permission was granted.

7. No person other than the holder of a valid certificate of permission granted under these regulations shall apply to any fish or fish products or any wrapper or container of fish or fish products the mark mentioned in section two of these regulations or any other mark or designation likely to be mistaken therefor.

**Fish Inspection Act—continued**

**2. Whitefish Inspection Regulations for Manitoba, Saskatchewan,  
Alberta and Northwest Territories**

P.C. 4624

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 12th day of November, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS The Whitefish Inspection Regulations for Manitoba, Alberta, Saskatchewan and The Northwest Territories were made and established by Order in Council P.C. 4709 of November 14, 1946;

AND WHEREAS the Minister of Fisheries represents that certain amendments to the said Regulations have become necessary and that it is desirable and expedient that the said Regulations be re-established in revised form incorporating the necessary amendments;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, and under the authority of section 4 of the Fish Inspection Act, is pleased to order as follows:

1. The Whitefish Inspection Regulations for Manitoba, Alberta, Saskatchewan and The Northwest Territories, established by Order in Council of November 14, 1946, P.C. 4709, are hereby revoked effective November 17, 1947; and

2. The attached "Whitefish Inspection Regulations for Manitoba, Saskatchewan, Alberta and the Northwest Territories" are hereby made and established, effective November 17, 1947, in substitution for the regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*Whitefish Inspection Regulations for Manitoba, Saskatchewan, Alberta  
and the Northwest Territories*

1. In these Regulations, unless the context otherwise requires,
  - (a) "Chief Inspector" means the Chief Inspector, Whitefish Inspection Regulations, appointed under the Fish Inspection Act, 1914;
  - (b) "Inspector" means any inspector appointed under the Fish Inspection Act, 1914, and includes Chief Inspector;
  - (c) "Whitefish waters" means any waters in the Northwest Territories or in the Provinces of Manitoba, Saskatchewan or Alberta inhabited by whitefish;
  - (d) "Inspection Certificate" means an inspection certificate in the form prescribed in Appendix I of these Regulations;
  - (e) "Certificate of Approval" means a certificate of approval in the form prescribed in Appendix II of these Regulations;
  - (f) "Process Permit" means a process permit in the form prescribed in Appendix III of these Regulations;



**Fish Inspection Act—continued**

(g) "Notice of Rejection" means a notice of rejection in the form prescribed in Appendix IV of these Regulations.

2. The Chief Inspector shall make or cause to be made annual surveys of the quality of whitefish in whitefish waters.

3. Any inspector may from time to time whenever he deems it necessary or advisable make an inspection of catches of whitefish taken in any whitefish waters or any products from such catches.

4. Every container in which whitefish are packed shall be marked by affixing thereto an inspection certificate, certificate of approval, process permit, or notice of rejection issued under these Regulations with respect to the whitefish packed therein.

5. Notwithstanding anything in these Regulations, no inspection certificate, certificate of approval or process permit shall be issued in respect of whitefish taken from any whitefish waters unless the Chief Inspector has declared that the whitefish taken from the said waters are eligible for such certificates or process permit.

6. (1) Any inspector may with respect to whitefish in fresh, frozen or processed form, issue an inspection certificate if he is satisfied that such whitefish are of proper quality having regard to the results of any survey or inspection made pursuant to section 2 or section 3 of these Regulations.

(2) Such inspection certificate shall be issued only in respect of whitefish the quality of which has been surveyed under section 2 of these Regulations.

7. (1) Any inspector, may with respect to whitefish which when taken were of unacceptable quality but which have been filleted or candled or processed by other means, issue a certificate of approval if he is of the opinion that, as a result of such filleting, candling or processing, such whitefish are of proper quality, and if, in respect to filleting, there has been compliance with section 9 hereof.

(2) For the purpose of shipping such unacceptable whitefish in the round or dressed form to any plant in Manitoba, Saskatchewan, Alberta, or the Northwest Territories, for filleting or candling or processing, an Inspector may issue a process permit. Every container in which such whitefish are packed shall have affixed thereto the permit aforesaid before being loaded for shipment.

(3) Any person receiving whitefish which has been shipped under process permit shall, not later than 30 days after receipt thereof, fillet or candle or process such whitefish, provided that if in the opinion of the Chief Inspector there are unusual circumstances to warrant an extension of the time herein allowed, he may authorize any such extension for any further period or periods as he deems to be necessary.

8. Any inspector may issue a certificate of approval in respect of any whitefish taken from waters where a survey has not been made under section 2 of these Regulations if such whitefish have been filleted or candled or processed by other means and the inspector is of the opinion that such whitefish are of proper quality.

9. All fillets of whitefish, packed in wrappers, shall be marked by an inscription on each individual wrapper indicating clearly that the contents

**Fish Inspection Act—continued**

thereof are fillets of whitefish and giving the name and address of the plant where the filleting was undertaken; provided that wrappers without an inscription may be used if a paper insert, containing the inscription aforesaid is enclosed within each wrapper.

10. Where an inspector has reasonable grounds for believing that whitefish are packed in any container, he may, without warrant and at any time, break open such container and examine the contents thereof.

11. Any inspector may, without warrant and at any time, enter and search any premises upon which he has reasonable grounds for believing that whitefish may be found.

12. (1) No person shall, without authority, remove, efface, obliterate wholly or partially, or destroy any inspection certificate, certificate of approval, process permit, or notice of rejection issued under these Regulations which is attached to any container in which whitefish is packed.

(2) No person shall alter or falsify any inspection certificate, certificate of approval, process permit, or notice of rejection issued under these Regulations.

13. Notwithstanding subsection 1 of section 12 of these Regulations an inspector may seize and detain any inspection certificate, certificate of approval, process permit, or notice of rejection issued under these Regulations which he reasonably believes was altered or falsified or any document purporting to be an inspection certificate, certificate of approval, process permit, or notice of rejection issued under these Regulations and which he reasonably believes was not issued under these Regulations.

14. (1) No person shall, for the purpose of storage, processing or repacking, remove whitefish from any container which has affixed thereto an inspection certificate, certificate of approval, process permit, or notice of rejection issued under these Regulations except with the approval of an inspector.

(2) Where such approval has been given and such whitefish are removed from the container, the person effecting such removal shall preserve the identity of the whitefish in relation to the inspection certificates, certificates of approval, process permits, or notices of rejection on the containers from which they were removed and shall keep such records pertaining thereto as may be required by the Chief Inspector, and such person shall upon demand deliver to an inspector the inspection certificates, certificates of approval, process permits, or notices of rejection on the containers from which such whitefish were removed and there shall be affixed to the containers in which the whitefish are repacked such certificates as may be issued with respect thereto by an inspector under these Regulations.

15. No person shall sell, buy or ship whitefish unless an inspection certificate or certificate of approval has been issued under these Regulations in respect of such fish and has been affixed to the containers thereof; provided that whitefish may be shipped to a destination shown on a process permit issued under these Regulations and affixed to the containers of such whitefish.

16. (1) Except as provided in sections 13 and 14 of these Regulations every person lawfully removing, from any container in which whitefish were packed, an inspection certificate, certificate of approval, process

**Fish Inspection Act—continued**

permit, or notice of rejection issued under these Regulations shall retain such inspection certificate, certificate of approval, process permit, or notice of rejection for delivery on demand to an inspector.

(2) No person shall affix or cause to be affixed any inspection certificate, certificate of approval, process permit, or notice of rejection issued under these Regulations, to any container in which whitefish are packed or to be packed unless such inspection certificate, certificate of approval, process permit, or notice of rejection has been issued by an inspector with respect to the fish packed or to be packed therein.

17. (1) All whitefish to which these Regulations apply, which may have been exported from Canada shall, in the event of re-entry into Canada, either as a result of rejection by United States authorities or otherwise, be subject to reinspection upon arrival at any destination in Canada shown on the re-entry shipping documents, and such fish shall not be disposed of by the consignee, or by any person on behalf of the consignee before such reinspection has taken place.

(2) Application for such reinspection shall be made to the Chief Inspector, Department of Fisheries, 509 McArthur Building, Winnipeg, Manitoba. If, upon such reinspection, any whitefish are found not to be of proper quality, the inspecting officer shall remove from the containers thereof the inspection certificates or certificates of approval affixed thereto and shall affix to each container a notice of rejection and such fish shall be filleted, candled, processed or reconditioned not later than 30 days following giving of notice by the Chief Inspector to the consignee or his authorized agent that such whitefish are not of proper quality. If, as a result of such filleting, candling, processing or reconditioning, the inspecting officer is of the opinion that such whitefish are of proper quality and if, in respect to filleting there has been compliance with section 9 hereof, he may issue an inspection certificate or a certificate of approval in respect of such fish as provided by these Regulations. If, however, such whitefish are not filleted, candled, processed or reconditioned within the 30-day period as above provided or within such further period as may be allowed by the Chief Inspector, or if, following such filleting, candling, processing or reconditioning, the inspecting officer finds that any whitefish are not of proper quality, such whitefish shall be destroyed forthwith or, with the approval of the Minister of Fisheries, such whitefish may be disposed of as animal food under the direction of an inspecting officer.

(3) In the event of the inspecting officer's decision on reinspection being challenged, the consignee or any person on behalf of the consignee may appeal to the Minister of Fisheries who may order a second reinspection which shall be final. There shall be no appeal unless the Minister is satisfied the identity of the parcel in dispute has been carefully preserved.

18. (1) Withdrawals from any parcel of round or dressed whitefish, which are subject to reinspection under section 17 of these Regulations, shall be made by the inspecting officer in the following manner,—

When parcels contain up to 10 boxes, a minimum of 5 boxes shall be withdrawn.



**Fish Inspection Act—continued**

When parcels contain from 11/50 boxes, a minimum of 8 boxes shall be withdrawn.

When parcels contain from 51/100 boxes, a minimum of 12 boxes shall be withdrawn.

When parcels contain from 101/200 boxes, a minimum of 18 boxes shall be withdrawn.

When parcels contain from 201/500 boxes, a minimum of 24 boxes shall be withdrawn.

(2) One whitefish from each such withdrawn box shall be examined and, if the inspecting officer under the direction of the Chief Inspector is satisfied, the parcel may be classified on the quality of the lot of fish examined. The inspecting officer under the direction of the Chief Inspector is, however, not restricted to this scale. If he is not satisfied as to the quality of the parcel by the withdrawals made, he may withdraw as many boxes therefrom and examine as many fish as he deems necessary to satisfy himself as to how the parcel should be classified.

(3) Withdrawals from any parcel of fillets of whitefish which are subject to reinspection under section 17 of these Regulations shall be made by the inspecting officer in the following manner,—

When parcels contain up to 500 pounds, a minimum of 10 pounds shall be withdrawn and examined.

When parcels contain from 501/1,000 pounds, a minimum of 20 pounds shall be withdrawn and examined.

When parcels contain from 1,001/5,000 pounds, a minimum of 30 pounds shall be withdrawn and examined.

When parcels contain from 5,001/10,000 pounds, a minimum of 40 pounds shall be withdrawn and examined.

When parcels contain from 10,001/30,000 pounds, a minimum of 50 pounds shall be withdrawn and examined.

(4) If the inspecting officer under the direction of the Chief Inspector is satisfied, the parcel may be classified on the quality of the lot of fillets of whitefish examined.

The inspecting officer under the direction of the Chief Inspector is, however, not restricted to this scale. If he is not satisfied as to the quality of the parcel by the withdrawals made, he may withdraw therefrom and examine as many pounds of fillets of whitefish as he deems necessary to satisfy himself as to how the parcel should be classified.

19. Every person who violates any provision of these Regulations shall be liable to the penalties prescribed by the Fish Inspection Act.



Fish Inspection Act—continued

Appendix I

No.....

CANADA  
DEPARTMENT OF FISHERIES

CERTIFICATE

Inspected Whitefish

FROM .....  
(Lake of Origin)

DATE..... INSPECTOR.....

P

Appendix II

No.....

CANADA  
DEPARTMENT OF FISHERIES

CERTIFICATE OF APPROVAL

Inspected Processed Whitefish

FROM .....  
(Lake of Origin or Processing Plant)

DATE..... INSPECTOR.....

**Fish Inspection Act—continued**

*Appendix III*

Department of Fisheries	Canada
<b>PROCESS PERMIT</b>	
No.....	
Authorizing transfer of	
<b>Non-Inspected Whitefish</b>	
for processing only	
FROM.....	To.....
(Lake of Origin)	(Processing Plant)
DATE.....	INSPECTOR.....
NOT VALID FOR USE ON FISH FOR EXPORT	

*Appendix IV*

CANADA	
DEPARTMENT OF FISHERIES	
No.....	
<b>Notice of Rejection</b>	
_____	
FROM .....	
(Lake of Origin or Processing Plant)	
<p>The whitefish contained in this package were  reinspected on .....19.... as  required by section 17 of the Whitefish Inspection  Regulations and were found to be not of proper  quality.</p>	
DATE.....19....	
<i>Inspector.</i>	

**Fish Inspection Act—continued****3. Application of Act extended to various kinds of fish and containers thereof**

P.C. 5367

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS subsection 1 of section 3 of the Fish Inspection Act, provides that the said Act shall apply to pickled herring, pickled alewives, pickled mackerel and pickled salmon, and to the containers thereof;

AND WHEREAS subsection 2 of the same section of the said Act provides that the Governor in Council may extend the provisions of the said Act to any other kinds of fish, to the containers thereof and to fish curing establishments and places where fish are prepared for market by any method except canning;

AND WHEREAS the Governor in Council has from time to time made orders extending the application of the Fish Inspection Act to various kinds of fish and the containers thereof, as well as to establishments where such fish are prepared for market;

AND WHEREAS it is deemed necessary and expedient to consolidate the said orders into one order and to extend further the application of the said Act to other kinds of fish;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 3 of the Fish Inspection Act, is pleased to order as follows:

**1. The following Orders in Council are hereby revoked:**

P.C. 2248 of November 29, 1927,  
P.C. 2036 of October 17, 1929,  
P.C. 2065 of September 1, 1937,  
P.C. 2295 of September 22, 1937,  
P.C. 8148 of October 20, 1944; and

**2. The provisions of the Fish Inspection Act shall extend and apply to the following:—**

- (a) dried, green salted and boneless cod, haddock, hake, cusk and pollock; frozen smelts; scallops; oysters; whitefish; and any other kind of fish, whether fresh, frozen, smoked, salted, pickled, or prepared in any other manner, in respect of which regulations have been made under the said Act;
- (b) the containers used or to be used for packing and marketing such fish;
- (c) fish curing establishments and places where fish are cleaned, salted, smoked, dried or otherwise prepared for market except by canning.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**Fish Inspection Act—continued**

**4. Regulations governing the construction of containers, the curing and packing of fish and the inspection thereof**

P.C. 5697

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of the Fish Inspection Act, Revised Statutes of Canada, 1927, chapter 72, is pleased to order as follows:

1. The Regulations governing the construction of containers, the curing and packing of fish and the inspection thereof, established by Order in Council P.C. 5365 of 31st December 1947, as amended, are hereby revoked, effective December 1st, 1949; and

2. The annexed "Regulations governing the construction of Containers, the Curing and Packing of Fish and the Inspection thereof" are hereby made and established, effective December 1, 1949, in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

*Regulations Governing the Construction of Containers, the Curing and Packing of Fish and the Inspection Thereof*

**1. Application**

All containers used for packing and marketing pickled fish under these Regulations, excepting salmon, shall be made and marked in accordance with the following:—

**2. Quality of Staves and Heading**

The staves and heading of every barrel, half-barrel and quarter-barrel shall be composed of well-seasoned, close-grained wood of good quality and capable of retaining pickle. Logs to be used for stave-wood and heading shall not be allowed to remain in water longer than twenty-eight days during the first half of the year and not longer than ten days during the second half of the year before being cut into staves and heading.

**3. Thickness of Staves and Heading**

The staves of every barrel, when completed, shall be not less than five-eighths of an inch, and the heading not less than three-fourths of an inch in thickness; and the staves of every half-barrel when completed



**Fish Inspection Act—continued**

shall be not less than nine-sixteenths of an inch and the heading not less than five-eighths of an inch in thickness, and the staves of every quarter-barrel shall be not less than one-half inch and the heading not less than five-eighths of an inch in thickness.

(NOTE.—The staves and heading should be cut one-sixteenth of an inch thicker than the thickness named herein, in order that they may be of the required thickness when dried and made into a barrel.)

**4. Width of Staves**

The staves of barrels shall not exceed five inches in width and the staves of half-barrels shall not exceed four inches in width, the staves of quarter-barrels shall not exceed three and one-quarter inches in width.

**5. Composition and Beveling of Heads**

The heads of barrels and half-barrels shall be composed of not less than three pieces and shall be securely fastened with either hardwood or iron dowels to form a level surface. All heads shall be bevelled one-third outside and two-thirds inside, and shall fit properly in a cleancut croze, one-eighth of an inch deep.

**6. Planing of Heads**

The heads and bottoms of every barrel, half-barrel and quarter-barrel shall be planed on the outside to a smooth finish.

**7. Chimes**

The chimes shall be one inch in length from the top of the croze, and chamfered to permit the removal of heads or bottoms to allow inspection of contents; provided that where pickled fish are packed under the supervision of an inspecting officer the bottom chimes need not be so chamfered.

**8. Barrels to be Well Fired**

In the course of construction, every barrel, half-barrel and quarter-barrel shall be well fired so as to admit of the staves being bent to the requisite extent and properly trussed. The staves shall not be cracked, broken or patched.

**9. Hooping**

Every barrel, half-barrel and quarter-barrel shall be hooped in one of the three following ways, viz:

- (a) entirely with wooden hoops.
- (b) partly with wooden hoops and partly with iron hoops.
- (c) entirely with iron hoops.

provided that from and after the first day of April, 1948, all barrels, half-barrels and quarter-barrels shall be hooped entirely with iron hoops.

**10. Barrels, Half-Barrels and Quarter-Barrels Hooped Entirely with Wooden Hoops**

Every barrel and half-barrel hooped entirely with wooden hoops shall have four end hoops and three quarter hoops. Quarter-barrels shall have three end hoops and three quarter hoops.

**11. Barrels Hooped with Iron and Partly with Wooden Hoops**

Every barrel hooped partly with wooden hoops and partly with iron hoops shall have an iron hoop on each end, one and three-quarter

**Fish Inspection Act—continued**

inches wide, of a gauge not less than No. 16 (American Standard) if of black iron and of a gauge not less than No. 17 (American Standard) if of galvanized iron, and shall have not less than three good wooden hoops on each quarter; provided that in reconditioning barrels hooped entirely with wooden hoops an iron hoop one inch in width may be substituted for one wooden hoop on each end.

**12. Barrels Hooped Entirely with Iron Hoops**

Every barrel hooped entirely with iron hoops shall have an iron hoop on each end, as defined in Section 11 and shall have either two iron hoops on each quarter, one and one-quarter inches wide of a gauge not less than No. 18 (American Standard) with a space of one and one-half inches between the upper and lower quarter hoops, or shall have one iron hoop on each quarter of the same width and thickness as the end hoops.

**13. Half-Barrels Hooped Partly with Iron and Partly with Wooden Hoops**

Every half-barrel hooped partly with iron and partly with wooden hoops shall have an iron hoop on each end one and one-half inches wide of a gauge not less than No. 17 (American Standard) if of black iron and of a gauge not less than No. 18 (American Standard) if of galvanized iron, and shall have three good wooden hoops on each quarter; provided that in reconditioning half-barrels hooped entirely with wooden hoops an iron hoop one inch in width may be substituted for one wooden hoop on each end.

**14. Half-Barrels Hooped Entirely with Iron Hoops**

Every half-barrel hooped entirely with iron hoops shall have an iron hoop on each end, as defined in section 13 and shall have either two iron hoops one inch wide of a gauge not less than No. 18 (American Standard) on each quarter, with a space of one and one-quarter inches between the upper and lower hoops; or shall have one iron hoop on each quarter of the same width and thickness as the end hoops.

**15. Quarter-Barrels Hooped Partly with Iron and Partly With Wooden Hoops**

Every quarter-barrel hooped partly with iron hoops and partly with wooden hoops shall have an iron hoop on each end not less than one and one-quarter inches wide of a gauge not less than No. 18 (American Standard) and three good wooden hoops on each quarter.

**16. Quarter-Barrels Hooped with Iron Hoops**

Every quarter-barrel hooped entirely with iron hoops shall have an iron hoop on each end and one on each quarter of the same width and gauge as specified in section 15.

**17. Space Between Quarter Hoops**

The space across the bilge between the quarter hoops on barrels, half-barrels and quarter-barrels shall be equal to one-third of the length of the staves in either case when finally coopered and ready for market.

**18. Quality, Breadth and Fitting of Wooden Hoops**

The wooden hoops on every barrel and half-barrel shall be of sound hardwood, and be not less than three-fourths of an inch for barrels, five-eighths of an inch for half-barrels and one-half inch for quarter-barrels

**Fish Inspection Act—continued**

in breadth at the narrowest part; and five-sixteenths of an inch for barrels, one-quarter of an inch for half-barrels and three-sixteenths of an inch for quarter-barrels at the thinnest part including bark. Each hoop shall be properly notched, perfectly fitted and firmly driven to its proper position.

**19. Barrels, Half-Barrels and Quarter-Barrels to be Watertight**

1. Every barrel, half-barrel and quarter-barrel shall be made perfectly tight and capable of retaining pickle before it leaves the maker's hands. A half-pint of weak pickle shall be poured into every barrel, half-barrel and quarter-barrel before the head is put in.

2. A bung-hole one inch in diameter shall be bored in the centre of a wide stave at the bilge of every barrel, half-barrel and quarter-barrel, and a cork bung shall be supplied to tightly fit in the bung-hole, and shall be placed inside the container by the cooper before such container is inspected. Containers that do not comply with this requirement may not be accepted by an inspecting officer.

**20. Sizes and Capacity of Pickled Fish Containers**

1. Barrels for Herring and Alewives.—The staves of every barrel intended to be filled with cured herring or alewives shall be twenty-seven inches in length and the heads shall be seventeen inches in diameter, i.e. a seventeen-inch cut head. Every such barrel shall be twenty inches in diameter at the bilge, outside measurement, and be capable of containing twenty-two gallons, Imperial measure.

2. Half-Barrels for Herring and Alewives.—The staves of every half-barrel intended to be filled with cured herring or alewives shall be twenty-two inches in length and the heads shall be thirteen and one-half inches in diameter, i.e. thirteen and one-half inch cut head. Every such half-barrel shall be sixteen and one-half inches in diameter at the bilge, outside measurement, and be capable of containing eleven gallons, Imperial measure.

3. Barrels for Herring Cured in Scotch Style.—The capacity of barrels and half-barrels intended for use in curing and packing herring in what is known as the Scotch style shall be either as defined in subsections 1 and 2 of this section or shall be twenty-six and two thirds gallons, Imperial measure, for barrels, and thirteen and one-third gallons, Imperial measure, for half-barrels.

4. Barrels for Mackerel.—The staves of every barrel intended to be filled with cured mackerel shall be twenty-nine inches in length, and the heads shall be seventeen inches in diameter, i.e. a seventeen-inch cut head; and every such barrel shall be twenty-one inches in diameter at the bilge, outside measurement, and shall be capable of containing twenty-six gallons, Imperial measure.

5. Half-Barrels for Mackerel.—The staves of every half-barrel intended to be filled with cured mackerel shall be twenty-four inches in length, and the heads shall be fourteen inches in diameter, i.e., a fourteen-inch cut head. Every such half-barrel shall be seventeen inches in diameter at the bilge, outside measurement, and shall be capable of containing thirteen gallons, Imperial measure.

6. Quarter-Barrels.—The staves of quarter-barrels shall be nineteen inches in length and the heads shall be eleven and one-eighth inches in



**Fish Inspection Act—continued**

diameter, i.e., an eleven and one-eighth-inch cut head. Quarter-barrels shall be thirteen and one-half inches in diameter at the bilge, outside measurement, and shall be capable of containing six and one-quarter gallons, Imperial measure.

7. Pails or Kits.—Every pail or kit shall be made of well-seasoned wood of good quality. They shall be well put together and strongly hooped and be capable of retaining pickle. They shall be capable of containing two and two-fifths gallons, Imperial measure.

8. Metal Containers.—Cans used for the packing of pickled fish shall be capable of containing ten pounds of fish apart from salt and pickle.

9. Notwithstanding any of the provisions of this section, the Minister may upon written request, grant permission for the use of barrels to be filled with any one kind of pickled fish; the staves of such barrels to be twenty-eight inches in length and the heads to be seventeen inches in diameter (i.e. seventeen inch cut heads) and every such barrel shall be not less than twenty-one inches in diameter at the bilge, outside measurement, and shall be capable of containing twenty-four gallons, Imperial Measure, and shall in all other respects conform to the general requirements governing the construction of barrels for pickled fish.

**21. Inspection and Marking of Empty Containers**

1. The maker of every barrel, half-barrel, quarter-barrel, pail, kit or other container that is to be used for the marketing of pickled fish shall clearly mark such container with his name and address and with the words "Pickled Fish" thereunder, before it is offered for inspection.

2. Barrels, half-barrels and quarter-barrels for pickled fish that are made of clear spruce or hardwood and hooped entirely with black or galvanized iron, shall be marked with the maker's name and address and with the words "Pickled Fish—Special" thereunder, before they are offered for inspection.

3. Every container that is to be used for the marketing of pickled fish shall be inspected by a duly authorized inspecting officer and if found to comply with these regulations shall be marked by such officer, by means of a rubber stamp with the words "Container Inspected" and a number indicating the name of the inspecting officer.

4. Any container for the marketing of pickled fish when filled with such fish for sale which does not show the marking specified by these regulations may be seized by any Inspecting Officer, Police Officer or Constable and held until the provisions of subsection 1 or 2 of this section have been complied with and the maker shall be liable on summary conviction to the penalty provided by subsection 2 of section 14 of the Fish Inspection Act.

**22. Containers that are Below Standard**

Any barrel, half-barrel, quarter-barrel, pail, kit, or other container that is to be used for the purpose of marketing pickled fish and which is not made in accordance with or is not of the capacity prescribed by these regulations shall, unless reconditioned to meet the requirements of these regulations, have the maker's marks removed therefrom and shall not be used for marketing any kind of fish to which the Fish Inspection Act applies.



**Fish Inspection Act—continued****23. Penalty for Below Standard Containers**

The maker of any barrel, half-barrel, quarter-barrel, pail, kit or other container which is marked with the words "Pickled Fish" and is found to be below the prescribed standard for such container shall be liable on summary conviction to the penalty provided by subsection 2 of section 14 of the Fish Inspection Act.

**24. Packing Requirements for Pickled Fish**

1. Every barrel, half-barrel and quarter-barrel of pickled fish, after being packed for market, shall be immediately headed up, the hoops thoroughly driven and the containers tested for tightness. The top quarter wooden hoops, i.e., the two nearest the chimes at each end, shall be nailed with at least three nails not exceeding one and one-quarter inches in length. The containers shall then be filled, through a hole in the centre of a stave at the bilge, with pickle of 100 per cent strength. Pails and kits may be so filled through a hole bored in the head. When the containers are filled with pickle, the holes shall be carefully plugged with a tight fitting bung; provided that nothing in these regulations shall prohibit the use of metal containers without bung-holes.

2. All pickled fish, during process of curing and handling, and the containers, before and after being filled, must be carefully protected from the weather. The barrels, half-barrels and quarter-barrels, when filled, shall be kept on their bilge. All pickled fish must be kept covered with clean pickle of 100 per cent strength. Inspecting officers must see, in so far as it is possible for them to do so, that the requirements of this section are duly attended to by packers and exporters of pickled fish.

3. Except as herein otherwise provided, all fish to which this Act applies shall be cured and packed with and be pickled with pickle made from clean unused salt.

4. All fish to be cured under these regulations shall be placed under salt within fifteen hours after being landed.

5. On the end of every container filled with pickled fish for sale shall be clearly stencilled by the packer, his name and address, the kind, class, grade and minimum weight of the fish in the container.

6. When containers filled with pickled fish have been passed by an inspecting officer, he shall stamp or stencil them with a crown surrounding the word "Canada", "Inspected" and a number indicating the name of the inspecting officer.

**25. General Requirements for Pickled Herring**

1. Herring must be well split, thoroughly clean, bellies filled with salt, dredged outside with salt, and placed carefully in the curing receptacle. Sufficient salt shall be uniformly spread over each tier to keep pickle up to full strength. Strong pickle shall then be added in the proportion of about two buckets to a puncheon in order to speed up the formation of brine. Herring shall be kept under pickle for at least fourteen days, and shall be thoroughly cured before being packed for market.

2. Before being packed for market, herring shall be washed in clean pickle, graded, and weighed according to the capacity of the container in which they are to be packed, as defined in subsection 3 of this section. The bottoms of containers shall be lightly covered with salt and the herring placed evenly in tiers, back down, each alternate layer being criss-crossed and uniformly salted. The top tier shall be packed back up and shall be heavily salted.

**Fish Inspection Act—continued**

3. Every barrel of pickled herring shall contain not less than two hundred pounds; every half-barrel not less than one hundred pounds; every quarter-barrel not less than fifty pounds; every pail or kit not less than twenty pounds and every half-pail or half-kit or can not less than ten pounds of fish apart from salt. The packer or repacker shall put sufficient weight of fish in the container when packing to ensure that the aforesaid weight of fish will be in the container after shrinkage, exclusive of salt. The packer or repacker shall take care to see that the container is free from leaks and full of pickle at all times when it is in his possession.

**26. Special Requirements for Pickled Herring**

1. The sizes of pickled herring shall be: Large, measuring not less than eleven inches; Medium, measuring not less than nine inches and not more than eleven inches; Small, measuring not less than seven inches and not more than nine inches; measurement for each class to be from the extremity of the head to the end of the backbone at the round of the tail.

2. Pickled herring shall be packed in two classes as defined below: Class "A", herring containing a reasonable amount of fat; Class "B", herring containing little or no fat. Containers of Class "A" herring shall be marked to show the words "Fat Herring", "Fat Tropic Herring" or "No. 4 Fat Herring". Containers of Class "B" herring shall be marked to show the words "Bright Herring", "Tropic Herring" or "No. 4 Tropic Herring".

*Class "A"*

- (a) "Fat" Herring shall consist of class "A" herring which have the blood scraped from the main bone, are reasonably fat, thoroughly cured, properly packed, sound, clean, and of good quality.
- (b) "Fat Tropic" Herring shall consist of Class "A" herring which are reasonably fat and free from rust. They need not have the blood scraped from the main bone or be thoroughly cleaned.
- (c) "No. 4 Fat" Herring shall consist of thoroughly cured inferior Class "A" herring including cullage from the above grades.

*Class "B"*

- (d) "Bright" Herring shall consist of Class "B" herring which have the blood scraped from the main bone, are bright in colour, reasonably white inside, thoroughly cured, properly packed, clean, and of good quality.
- (e) "Tropic" Herring shall consist of Class "B" herring which are free from rust. They need not have the blood scraped from the main bone or be thoroughly cleaned.
- (f) "No. 4 Tropic" Herring shall consist of thoroughly cured inferior Class "B" herring including cullage from the above Class "B" grades.

**27. Special Requirements for Pickled Headless and Pickled Trimmed Herring**

1. The requirements of sections 24 and 25 of these Regulations shall apply to pickled headless and pickled trimmed herring.

2. The sizes and grades of pickled headless and pickled trimmed herring shall comply with the requirements of Section 26 of the Regulations, due allowance being made for the removal of heads or heads and tails, as the case may be.

**Fish Inspection Act—continued**

3. It shall be permissible to market only two grades of pickled headless and pickled trimmed herring, i.e., Grade "A" "Fat Herring" and Grade "B" "Bright Herring", as defined in section 26 of these Regulations. The containers thereof shall be marked "Fat Herring" or "Bright Herring" as the case may be.

**28. Special Requirements for Pickled Alewives**

1. Alewives shall be kept under salt and pickle for at least fourteen days and shall be thoroughly cured, uniformly salted, bright in colour, free from rust and shall be placed evenly in tiers when packed for market.

2. Every barrel of pickled alewives shall be tight and shall contain not less than two hundred pounds of fish apart from salt, and the packer or repacker shall put sufficient weight of fish in the barrel to ensure the aforesaid weight of fish being in the barrel after shrinkage.

3. The grades for pickled alewives shall be: Large, consisting of sound fish of good quality measuring not less than ten inches; Medium, consisting of sound fish of good quality measuring not less than eight inches and not more than ten inches, measured from the extremity of the head to the end of the backbone at the round of the tail.

4. Alewives that have been cured as required by these Regulations may be shipped in a dry state for export to such markets as require them in that condition.

5. When a shipper desires to ship or export in a dry state alewives that have been cured and packed in pickle and marked in accordance with these Regulations, he shall notify an inspecting officer who shall see that the word "Dry" is marked on the containers in addition to the other marks.

6. Alewives falling below the requirements of these Regulations but which may be fit for human food shall be designated as "No. 4" and the containers so marked.

**29. General Requirements for Pickled Mackerel**

1. Mackerel shall be properly split, washed and dredged and shall be placed back down in tiers in the curing receptacles. Sufficient salt shall be spread evenly on each tier to thoroughly cure the fish. Strong pickle shall then be added in the proportion of about two buckets to a puncheon in order to speed up the formation of brine. After three days the mackerel shall be kept covered with brine and the brine shall be maintained at 100 per cent strength. Salt must always be in evidence on the top tier. Pickled mackerel shall remain in salt and pickle for not less than fourteen days and shall be thoroughly cured before being finally packed for market.

2. In finally packing and preparing mackerel for market, they shall be removed from the curing receptacles and Summer and Fall mackerel shall be washed in clean unused pickle. Spring mackerel may be washed in the original pickle. The mackerel shall be selected and weighed in accordance with the requirements of this section. In packing, the bottom of the container shall be lightly covered with salt and the first tier of fish laid thereon with their backs downward. The bottom tier shall be so placed that when the bottom end of the container is opened the tails of the fish will not be seen. Care must be taken to keep the tiers level in packing. When each tier is completed, it shall be covered with rather less salt than is used in the original curing. The top tier shall be packed backs upward and so placed that the tails of the fish will not be seen. The top tier shall be heavily salted.



**Fish Inspection Act—continued**

3. Every barrel of pickled mackerel shall contain not less than two hundred pounds, every half-barrel not less than one hundred pounds, every quarter-barrel not less than fifty pounds, every pail or kit not less than twenty pounds, and every half-pail or half-kit or can not less than ten pounds of fish apart from salt. The packer or repacker shall put sufficient weight of fish in the container when packing to ensure the aforesaid weight of fish being in the container at the time of sale. The packer or repacker shall take care to see that the container is free from leaks and full of pickle at all times when it is in his possession.

**30. *Special Requirements for Pickled Mackerel***

1. There shall be three classes of pickled mackerel: Spring mackerel, Summer mackerel and Fall mackerel. Spring mackerel shall consist of mackerel caught during the spring and early summer. Summer mackerel shall consist of mackerel caught during August and September. Fall mackerel shall consist of fat mackerel caught after September; but when mackerel caught in the latter part of July are sufficiently fat to be classed as Summer mackerel, and mackerel caught in the latter part of September are sufficiently fat to be classed as Fall mackerel, the inspector, if he is satisfied as to these conditions, may permit the containers of such fish to be marked Summer Mackerel and Fall Mackerel respectively.

2. The measurement of all classes and grades of mackerel shall be made down the centre of the fish from the extremity of the head to the end of the backbone at the round of the tail.

**31. *Special Requirements for Spring Mackerel***

1. Spring mackerel shall be packed in four grades, viz: Large, Medium, Small Medium, Small.

- (a) Large shall consist of fish measuring not less than fifteen inches.
- (b) Medium shall consist of fish measuring under fifteen inches but not less than thirteen inches.
- (c) Small Medium shall consist of fish measuring under thirteen inches but not less than twelve inches.
- (d) Small shall consist of fish measuring under twelve inches.

2. "Spring" Mackerel shall consist of mackerel caught during the spring and early summer that are sound, properly split, reasonably smooth-faced, well washed, regularly packed, uniformly salted and free from rust.

3. "Bright Spring" Mackerel shall consist of mackerel caught during late spring and early summer that are reasonably bright, sound, properly split, smooth-faced, well washed, regularly packed, uniformly salted, free from rust and that have the blood scraped.

4. "No. 4 Spring" Mackerel shall consist of Spring mackerel falling below the standards prescribed by these Regulations but which are fit for human consumption.

5. Containers of "Spring" mackerel shall be marked in accordance with the grades and classifications defined in this section.

**32. *Special Requirements for Summer Mackerel***

1. Summer mackerel shall be packed in four grades, viz: Large, Medium, Small Medium, and Small.

- (a) Large shall consist of fish showing fat and measuring not more than two inches between their maximum and minimum lengths and counting not more than one hundred and sixty fish to a barrel.



**Fish Inspection Act—continued**

- (b) Medium shall consist of fish showing fat and measuring not more than two inches between their maximum and minimum lengths and counting one hundred and sixty-one to two hundred and twenty-five fish to a barrel.
- (c) Small Medium shall consist of fish showing fat and measuring not more than one inch between their maximum and minimum lengths and counting two hundred and twenty-six to two hundred and seventy fish to a barrel.
- (d) Small shall consist of fish showing fat and measuring not more than one inch between their maximum and minimum lengths and counting two hundred and seventy-one to four hundred fish to a barrel.

2. Choice Summer Mackerel shall consist of Summer mackerel that are properly split, smooth-faced, have the blood scraped, sufficiently soaked, well-washed, white in colour, reasonably free from blood stains, regularly packed, uniformly salted and thoroughly cured.

3. Summer Mackerel shall consist of fish having slight defects, and not up to the standard of Choice Summer defined above but shall have the blood scraped and shall be of good colour.

4. Dark Summer shall consist of thoroughly-cured but inferior Summer mackerel not up to the standards of Choice Summer or Summer and not having the blood scraped or not being reasonably free from blood stains.

5. No. 4 Summer Mackerel shall consist of Summer mackerel falling below the standards prescribed by these Regulations but which are fit for human consumption.

6. Containers of "Summer" mackerel shall be marked in accordance with the grades and classifications defined in this Section.

**33. Special Requirements for Fall Mackerel**

1. Fall mackerel shall be packed in four grades, viz: Extra Large, Large, Medium and Small Medium.

- (a) Extra Large shall consist of fat fish measuring not more than two inches between their maximum and minimum lengths and counting not more than one hundred and fifteen fish to a barrel.
- (b) Large shall consist of fat fish measuring not more than two inches between their maximum and minimum lengths and counting one hundred and sixteen to one hundred and fifty fish to a barrel.
- (c) Medium shall consist of fat fish measuring not more than two inches between their maximum and minimum lengths and counting one hundred and fifty-one to two hundred fish to a barrel.
- (d) Small medium shall consist of fat fish measuring not more than one inch between their maximum and minimum lengths and counting from two hundred and one to four hundred fish to a barrel.

2. Choice Fall shall consist of Fall mackerel that are properly split, have the blood scraped, are sufficiently soaked, well washed, white in colour, free from blood stains, regularly packed, uniformly salted and thoroughly cured.

3. Fall shall consist of Fall mackerel with some slight defects, but of good colour and otherwise conforming to the requirements of "Choice Fall".

**Fish Inspection Act—continued**

4. Dark Fall shall consist of Fall mackerel not having the blood scraped nor free from blood stains, but otherwise conforming to the requirements of "Choice Fall" and "Fall".

5. No. 4 Fall mackerel shall consist of Fall mackerel falling below the standards prescribed by these Regulations but which are fit for human consumption.

6. Fall mackerel caught by hook in certain localities may, in addition to the foregoing, have stenciled on each container the locality where and the method by which the fish in the container were caught, as for example, "Cape Breton Hooked".

7. Containers of "Fall" mackerel shall be marked in accordance with the grades and classifications defined in this section.

**34. Special Requirements for Pickled Mackerel Fillets**

1. Pickled mackerel fillets should only be cut from fresh fat mackerel each fillet should be cut from the fish separately with a long, narrow, sharp knife, leaving a smooth surface; all fins, napes and back bones and all blood to be entirely removed,

(a) The fillets are to be thoroughly washed and well soaked in clean sea water or brine of the same salinity as sea water, then carefully dredged in fine salt, and packed in tiers flesh side up in curing receptacles, the top tier to be laid skin side up, and sufficient salt uniformly distributed over each tier to cure them and enough 100 per cent pickle poured into the curing receptacle to cover the fillets. Salt should always be in evidence on top tiers and the fillets shall remain in salt and pickle for not less than fourteen days and shall be thoroughly cured before being finally packed for market.

(b) In finally packing pickled mackerel fillets for market, they shall be removed from the curing receptacles, washed in clean unused pickle and selected and weighed according to the requirements of these Regulations. In packing, the bottoms of containers shall be lightly covered with clean unused salt and the first tier of fillets laid thereon at an angle of about forty-five degrees, the skin towards the wood. When each tier is completed, it shall be salted with rather less salt than was used in the original curing. Tiers should be crisscrossed and the top tier placed at the same angle, skin side up and salted.

(c) Pickled mackerel fillets shall be reasonably uniform in size. In barrels containing up to five hundred and fifty count the fillets shall vary not more than one and one-half inches in length, and in barrels of five hundred and fifty count or over the fillets shall not vary more than one inch in length.

2. There shall be three sizes of mackerel fillets, Large, Medium and Small,

(a) Large shall consist of fillets counting not more than five hundred and fifty to a barrel of two hundred pounds.

(b) Medium shall consist of fillets counting five hundred and fifty-one to seven hundred and fifty to a barrel of two hundred pounds.

(c) Small shall consist of fillets counting more than seven hundred and fifty to a barrel of two hundred pounds.

**Fish Inspection Act—continued**

3. Pickled mackerel fillets may be packed in the same grades and classes as provided for pickled mackerel.

4. Containers of "Pickled Mackerel Fillets" shall be marked in accordance with the grades and classifications as provided for in this section.

**35. *Special Requirements for Pickled Headless and Pickled Trimmed Mackerel***

1. The general requirements for pickled fish shall apply to pickled headless and pickled trimmed mackerel.

2. It shall be permissible to pack for market only two classes of pickled headless and pickled trimmed mackerel, i.e., Choice Summer and Choice Fall and the containers thereof shall be marked "Choice Summer" or "Choice Fall", provided that pickled headless and pickled trimmed mackerel falling below the quality prescribed by these regulations for "Choice Summer" or "Choice Fall" but which are fit for human consumption shall be designated as "No. 4" and the containers so marked.

3. The grades and classes of pickled headless and pickled trimmed mackerel shall comply with the requirements of section 32 and section 33 of these regulations, due allowance being made for the removal of heads or heads and tails, as the case may be.

**36. *Requirements for Pickled Salmon***

1. Pickled salmon shall have been in salt and pickle for not less than fourteen days before being finally packed for market.

2. Salmon when packed shall lie flat, back down, except the top tier, which shall be back up. They shall be thoroughly cured and evenly salted, properly split and washed and shall have all the blood removed.

3. Every barrel of pickled salmon shall contain not less than two hundred pounds and every half-barrel not less than one hundred pounds, and every pail or kit not less than twenty pounds and every half-pail or half-kit not less than ten pounds of fish apart from salt; and the packer or repacker shall put sufficient weight of fish in the container when packing to ensure the aforesaid weight of fish being in the container at the time of sale. The packer or repacker shall take care to see that the container is free from leaks and full of pickle at all times while it is in his possession.

**37. *Pickled Fish May be Reconditioned***

If an inspecting officer, after adequate inspection finds that pickled fish do not comply with the requirements of the foregoing regulations, he shall notify the owner that the fish must be reconditioned before again being offered for inspection.

**38. *Regulations for Packing, Inspection and Grading of Boneless and Semi-Boneless Salt Fish***

1. In the packing of boneless salt fish no box or package shall contain more than one variety. Before boneless salt fish is offered for inspection the packer, or first dealer obtaining it from the packer, shall clearly stencil or stamp each box or package with:

(a) His full name and address.



**Fish Inspection Act—continued**

- (b) The words "Boneless Cod" or "Boneless Hake" or "Boneless Cusk" or "Boneless Pollock" or "Boneless Haddock".
- (c) The net weight in avoirdupois of the contents.
- (d) The grade of the fish in the container.

2. Standards of Quality—Except as herein otherwise provided boneless salt fish shall be packed and marketed under the following grades:—

- (a) Fancy Quality.—Shall consist of whole fillets
  - (i) Thoroughly cured, clean, sweet and firm.
  - (ii) Bled or of the same whiteness as bled fish.
  - (iii) Including no slinks, soft, sour, putty, sunburned or discoloured fish or scraps.
  - (iv) Having bones and parasites removed.
  - (v) Neatly trimmed, provided that not more than ten per cent by count of the fillets may have ragged edges, tears or holes.
  - (vi) Properly dried with no excessive moisture or excessive salt showing at the time of inspection.
  - (vii) Packed in new, clean containers, completely lined with parchment or white waxed paper.
- (b) Choice Quality.—Shall consist of whole fillets
  - (i) Thoroughly cured, clean, sweet and firm.
  - (ii) Including no slinks, soft, sour, putty, sunburned or discoloured fish or scraps.
  - (iii) Having bones and parasites removed.
  - (iv) Not more than thirty per cent by count of the fillets may have ragged edges, tears or holes or be slightly discoloured.
  - (v) Properly dried, with no excessive moisture or excessive salt showing at time of inspection.
  - (vi) Packed in new clean containers completely lined with parchment or white waxed paper.
- (c) Standard Quality.—Shall consist of thoroughly cured clean, sound fish which do not meet the requirements of Fancy Quality or Choice Quality. Not more than fifty per cent by count of the pieces may have ragged edges, tears or holes or be discoloured. Slinks shall be excluded from this grade.
- (d) Substandard Quality.—Shall consist of cullage from any or all of the above mentioned grades.
- (e) Bits.—Shall consist of pieces of fish of reasonable size and be at least of Standard Quality.
- (f) Trimmings and Scraps.—May include cuttings of clean fish resulting from the preparation of boneless fish.
- (g) Fibred Fish.—Shall consist of boneless fish of at least Choice Quality that has been treated by separating the fibres and shredding the fish by a combing, raking or cutting action. Fibred fish may also be designated as shredded, flossed, fluffed, or spun fish.
- (h) Middle Cuts.—Shall consist of pieces of fish taken from the thick part of Fancy or Choice boneless cod cut to conform to the size of the package in which they are packed for sale.

3. The inspecting officer shall conduct the inspection in such manner as will entirely satisfy him as to the quality.



**Fish Inspection Act—continued**

4. When containers of boneless fish have been inspected and passed by an inspecting officer, he shall stamp or stencil them with a crown surrounding the words "Canada" "Inspected" and a number indicating the name of the inspecting officer.

5. In packing boneless salt fish in packages containing five pounds or less, it is permissible to cut whole fillets to conform to the size of the package.

6. Semi-boneless salt fish shall have all bones except the pin bones removed.

7. The packing, inspection and grading of semi-boneless salt fish shall be in accordance with the requirements of this section and in the marking of containers of such fish the term "Semi" shall appear before the word "Boneless".

**39. Regulations Governing Dry Salted Herring**

1. Any water that may have accumulated amongst the fresh fish in a boat or scow shall be allowed to drain away when the fish are being discharged therefrom and before salting takes place.

2. (a) The fresh fish shall be thoroughly salted into tanks or other water-tight receptacles in such a manner as will permit of each fish coming in contact with the salt. All fish shall be sound and they shall be salted within twenty-four hours after being taken from the sea. If the tanks or other receptacles stand in the open when filled, they shall be covered and protected from rain and snow.

(b) The date on which fish have been salted into each tank shall be shown on the tank and in such a manner as will make it easily seen by the inspector.

(c) When pickle has formed in each tank it shall be maintained at a strength of ninety degrees or more.

(d) The inspector shall by a salinometer test the strength of the pickle in each tank at each visit to a curing place during the season.

3. All herring taken from the opening of the fall season, in British Columbia, to the end of November shall remain in salt in the tanks for not less than six days of twenty-four hours each, and all herring taken from December first to the end of the season shall remain in salt for not less than five days of twenty-four hours each before being boxed for shipment. All herring boxed for shipment shall be sound, thoroughly cured and in good condition.

4. Boxes for shipment of dry salted herring to the Orient shall be forty-two inches long, twenty-four and one-half inches wide, and fourteen inches deep, outside measurement. The sides, top and bottom shall consist of good sound boards one inch in thickness, and the ends of similar boards one inch and one-quarter in thickness. The boxes shall be strongly made and well nailed.

5. The fish on removal from the tanks shall be drained of pickle for twenty-four hours and afterwards firmly packed in standard boxes and thoroughly sprinkled with salt. Each box shall be filled to its utmost capacity with fish at the time of shipment. A mark or number shall be plainly marked on each box to indicate the packer of the fish and the date on which the fish were first inspected.

**Fish Inspection Act—continued**

6. (a) The fish, at the place of curing and packing, shall be subject to inspection during the process of discharging from the boats or scows, and thereafter until they are boxed for shipment. The boxes also shall be subject to inspection at the same time and place.
- (b) An inspector shall visit each packing place daily during the season and for his own guidance shall keep a record of the date on which each tank was filled and emptied.
7. An inspector may detain for the time necessary to complete his inspection any shipment in respect of which he has reasonable grounds for believing that the boxes or fish are not such as the regulations require.
8. If an inspector is satisfied, after inspection, that the fish and boxes are such as the regulations require, he shall furnish the packer with a formal certificate of inspection and no shipment shall leave the packer's place without such certificate, provided, that in the event of a parcel of herring that has been inspected and for which a certificate has been given being held over for thirty days or more before shipment out of Canada, such parcel shall be submitted for reinspection immediately before shipment. If the reinspection shows the parcel to have deteriorated in quality from that required by subsection 3 or that the boxes are not filled to capacity as required by subsection 5 the certificate of inspection shall be cancelled, but the packer may recondition the parcel and submit it for final inspection when, if the quality and weight is found by the inspector to be satisfactory, he shall issue another certificate therefor.
9. If an inspector finds, after inspection, that either fish or boxes are not such as the regulations require, he shall state on his certificate wherein the fish or boxes fail to comply with the requirements, and the packer of such fish shall be liable to the penalty provided by subsection 2 of section 14 of the Fish Inspection Act.
10. In the event of a packer or owner appealing against the decision of an inspector, and of another inspection being ordered, the inspector who carries out the second inspection shall proceed in such a manner as will thoroughly satisfy him as to whether the fish or boxes comply with regulations.

**40. Hard Cured Smoked Round Herring**

1. Hard Cured Smoked Round Herring shall be packed in two classes, "Class 'A'", herring containing a reasonable amount of fat and "Class 'B'", herring containing little or no fat.

*Class "A"*

2. (a) There shall be one grade of Hard Cured Smoked Round Herring to be called "Choice Bloaters".
- (b) "Choice Bloaters", when marketed in the eighteen pound box, shall be packed according to the following counts:
 

40 to	60	fish in each box.
60 to	80	" " " "
80 to	120	" " " "
120 to	160	" " " "
160 or more		" " " "

provided that the difference in length between the largest and the smallest fish in the box shall not be greater than one inch.

3. Measurements in each case shall be from the end of the head to the end of the tail fin.

**Fish Inspection Act—continued**

4. The fish when boxed shall be sound, thoroughly cured and smoked to a golden colour and shall be packed neatly in tiers in the boxes. Bloaters measuring over eleven inches in length shall be packed lengthwise in the box and bloaters measuring less than eleven inches in length shall be packed crosswise in the box.

*Class "B"*

5. (a) There shall be one grade of Class "B" Hard Cured Smoked Round Herring to be called Spring Bloaters.
- (b) The fish when boxed shall be sound, thoroughly cured and smoked to a golden colour and shall be packed neatly in tiers crosswise in the boxes.
- (c) Each eighteen pound box of "Spring Bloaters" packed for export shall contain not less than eighty, and not more than one hundred and twenty fish, provided that when it has been established to the satisfaction of the Minister that an unusual run of small spring herring has occurred in a particular area, he may exempt the bloater packers of that area from the provisions of this subsection of the Regulations.

**41. Hard Cured Smoked Herring (Boneless)**

1. There shall be two grades of boneless hard cured smoked herring, viz:

- (a) "Choice Boneless Smoked Herring" which shall be packed only from Class "A" bloaters of a length less than ten inches and from fish, the flesh of which shall be of the quality of "Choice Bloaters".
- (b) "Standard Boneless Smoked Herring" which may be packed from Class "B" bloaters and from Class "A" bloaters of a size over ten inches in length.

2. The fish when packed shall be sound, sufficiently smoked, thoroughly cured and packed neatly in tiers crosswise in the boxes.

**42. Packages for Hard Cured Smoked Round Herring**

1. Hard cured smoked round herring of the classes defined in these regulations shall be marketed in boxes of three sizes. These shall contain not less than eighteen, fourteen or eight pounds of fish, provided that Choice Mediums and Spring Bloaters may also be packed in two smaller sized boxes, one to contain not less than two pounds and the other not less than one and one-half pounds.

2. All boxes for hard cured smoked round herring shall be made of well seasoned wood of good quality. Hemlock shall not be used in such boxes.

3. Each eighteen-pound box shall not be less than nineteen and one-half inches long, ten and one-quarter inches wide and five inches deep, inside measurements.

4. Each fourteen-pound box shall not be less than fifteen inches long, ten and one-quarter inches wide and five inches deep, inside measurements.

5. Each eight-pound box shall not be less than ten and one-quarter inches long, eight and one-half inches wide and five inches deep, inside measurements.

6. The ends of eighteen-pound boxes shall be of one piece, not less than three-quarters of an inch in thickness. The sides of such boxes



**Fish Inspection Act—continued**

shall be of one piece, the top of two pieces and the bottom of not more than three pieces and each piece shall not be less than three-eighths of an inch in thickness.

7. The nails used in the construction of all eighteen-, fourteen- and eight-pound boxes of hard cured smoked round herring shall be standard box nails measuring not less than one and one-half inches in length and of No. 14 British Wire Gauge in thickness and preferably coated with a special cement or resin.

8. Notwithstanding any of the provisions of this section, the Minister may upon written request grant permission for the packing of Hard Cured Smoked Round Herring in containers of a larger size or different type of construction.

**43. Marks to be Placed on Containers of Hard Cured Smoked Round Herring**

1. (a) Each box of hard cured smoked round herring when filled shall be legibly stencilled or marked on a planed end by the packer, in letters and numbers measuring not less than one-half inch in height if printed, and not less than three-quarters of an inch in height if stencilled, with his name and address, the class, grade, count and minimum weight of fish as defined in these Regulations. In stencilling, only stencil ink or some other non-blurring material may be used.
- (b) Hard cured smoked round herring which have not properly taken the smoke, or that are broken at the throats or bellies, or show any other slight defects, but are fit for human consumption shall be packed separately and the containers thereof shall be officially marked No. 4 by the Inspecting Officer.
- (c) When containers filled with hard cured smoked round herring have been inspected and passed by an inspecting officer, he shall stamp or stencil them with a crown surrounding the words "Canada" "Inspected" and a number indicating the name of the inspecting officer.

2. The packer or owner of boxes packed with such fish as are covered by the foregoing regulations which are found to be not in accordance with the requirements of such regulations shall be liable to the penalty provided by subsection 2 of section 14 of the Fish Inspection Act.

**44. Marking of Boneless Smoked Herring**

Each box of boneless smoked herring when filled shall be legibly stencilled or marked on a planed end by the packer, in letters and numbers measuring not less than one-half inch in height, if printed, and not less than three-quarters of an inch in height, if stencilled, with his name and address, the grade and minimum weight of fish contained therein. In stencilling, only stencil ink or some other non-blurring material may be used.

**45. Regulations to Govern the Inspection and Grading of Frozen Smelts**

1. Frozen smelts shall be marketed in boxes, and each box shall be marked to show the name and address of the packer or the first dealer obtaining it from the packer, the weight and grade of smelts in the box.



**Fish Inspection Act**—*continued*

2. Frozen smelts when packed in boxes for market shall be graded, for size only, as follows:

Extra . . . . 7 inches and up	Medium . . . . 4 to 5½ inches
No. 1 . . . . . 5½ to 7 inches	Small . . . . . Under 4 inches

3. The measurement of each grade shall be from the extremity of the head to the end of the backbone at the round of the tail. A tolerance of five per cent shall be allowed for each grade; provided that no smelts falling below one-half inch of the minimum size for the grade under inspection shall be included in the tolerance.

4. Clean whole fish only shall be packed. Fish with a head or tail broken off may be placed in the next lower grade.

5. On receipt of proper notification from the packer or shipper that inspection is desired such inspection shall be carried out by a duly authorized inspector.

6. In carrying out an inspection of the fish in the boxes, an inspecting officer shall open and examine one box in ten when the lot consists of fifty or more boxes, and one box in five when the lot consists of less than fifty boxes. An inspecting officer is not restricted to this scale, but if need be he shall open as many boxes as he deems necessary to satisfy himself that the contents comply with the requirements of these regulations.

7. When containers filled with frozen smelts have been inspected and passed by an inspecting officer, he shall stamp or stencil them with a crown surrounding the words "Canada", "Inspected", and a number indicating the name of the inspecting officer.

**46. Inspection and Marketing of (Atlantic Coast) Oysters**

Oysters in the shell shall only be marketed in barrels, half-barrels and boxes. Such barrels, half-barrels and boxes shall, before inspection, be clearly stencilled by the original packer or the first dealer who repacks the oysters, with his full name and address and the name of the province and of the general area within the province from which the oysters are taken.

**47. Requirements for Oyster Containers**

1. Oyster Barrels.—The staves of every barrel in which oysters in the shell may be marketed shall be twenty-nine inches in length, and the heads and bottoms shall be fifteen and one-half inches in diameter, i.e. fifteen and one-half inches cut heads and bottoms; every such barrel shall be nineteen inches in diameter at the bilge outside measurement, and when filled for marketing shall contain not less than two and one-half bushels of oysters in the shell.

2. Oyster Half-Barrels.—The staves of every half-barrel in which oysters in the shell may be marketed shall be twenty-one inches in length and the heads and bottoms shall be thirteen and one-half inches in diameter, i.e. thirteen and one-half inches cut heads and bottoms; and every such half-barrel shall be sixteen inches in diameter at the bilge, outside measurement, and when filled for marketing shall contain not less than one and one-quarter bushels of oysters in the shell.

3. Oyster Boxes.—The size of boxes in which oysters in the shell may be marketed shall be as follows:—

- (a) A one and one-quarter bushel box, which shall be twenty-four inches long, twelve inches wide and ten inches deep, inside

**Fish Inspection Act—continued**

measurements, and which when filled for marketing shall contain not less than one and one-quarter bushels of oysters in the shell.

- (b) A one-bushel box, which shall be twenty inches long, twelve inches wide and ten inches deep, inside measurements, and which when filled for marketing shall contain not less than one bushel of oysters in the shell.
  - (c) A half-bushel box, which shall be twelve inches long, ten inches wide and ten inches deep, inside measurements, and which when filled for marketing shall contain not less than one-half bushel of oysters in the shell.
  - (d) A peck box, which shall be of six hundred cubic inches capacity and which when filled for marketing shall contain not less than one peck of oysters in the shell.
4. (a) The heads of oyster barrels and half-barrels shall be not less than three-quarters of an inch thick, and shall be bevelled to fit into a clean-cut croze which shall be not more than one inch from the end of the staves. Each barrel and half-barrel shall be provided with two hoops at each end and one on each quarter, provided that a single iron hoop instead of two wooden hoops may be used at the bottom. In heading barrels and half-barrels, no nails over two inches in length shall be used. Three nails shall be driven through each quarter-hoop.
- (b) The head of each oyster barrel and half-barrel and the top, one side and one end of each oyster box shall be planed to a smooth finish.
- (c) The ends of boxes to hold one bushel and one and one-quarter bushels of oysters shall not be less than three-quarter inches in thickness and the sides, bottom and top shall not be less than one-half inch in thickness. The space between adjoining boards in the assembled box shall not exceed one-quarter inch.
- (d) Before containers used for shipping oysters out of the immediate producing area are used a second time, all inspection and shipping marks must be removed.

5. The use of any other containers than those described in this section, except for the transfer of oysters within the immediate producing area, is prohibited.

**48. General Packing Requirements for Oysters in the Shell**

1. Barrels, half-barrels and boxes as defined in the preceding section shall contain only oysters which are not below the legal size.

2. Before being packed for market all oysters shall be carefully cleaned, culled and graded so that all clusters are separated and all dead and broken-shelled oysters, mussels, limpets, stones, small attached oysters and other such materials are excluded.

3. When packed as herein provided and ready for shipment, each barrel, half-barrel and box shall be full and shall contain only living single oysters free from excess mud and not so damaged as to permit the shell liquor to escape. Each container shall be vigorously shaken three times, twice when partially filled and once when about completely filled. The top tier of oysters shall be carefully placed by hand so that the container will be filled.

**Fish Inspection Act—continued****49. Special Requirements for Oyster Grading**

The following regulations shall apply to the grading of oysters and the marking of containers filled with graded oysters:

1. **Fancy Shape.**—A container of oysters shall be marked "Fancy Shape" after an inspecting officer has found it to contain at least seventy-five per cent by count of oysters, the length of each of which does not exceed one and one-half times its greatest width, and to contain no oyster longer than one and three-quarters times its greatest width. Such officer shall then mark the container with a crown surrounding the words "Canada Oyster Fancy-Shape Inspected" and a number indicating his name.

2. **Choice Shape.**—A container of oysters shall be marked "Choice-Shape" after an inspecting officer has found it to contain at least eighty-five per cent by count of oysters the length of each of which does not exceed one and three-quarters times its greatest width, and to contain no oyster longer than twice its greatest width. Such officer shall then mark the container with a crown surrounding the words "Canada Oysters Choice-Shape Inspected" and a number indicating his name.

3. **Standard Shape.**—A container of oysters shall be marked "Standard Shape" after an inspecting officer has found it to contain at least seventy-five per cent by count of oysters the length of each of which does not exceed twice its greatest width, and to contain no oyster longer than two and one-half times its greatest width. Such officer shall then mark the container with a crown surrounding the words "Canada Oysters Standard-Shape Inspected" and a number indicating his name.

4. **Sub-standard Shape.**—Any container of oysters packed in accordance with the requirements of these regulations but which contains more than twenty-five per cent by count of oysters the length of each of which is greater than twice its greatest width, or which contains any oyster longer than two and one-half times its greatest width, shall be marked by an inspecting officer with a crown surrounding the words "Canada Oysters Sub-standard Shape Inspected" and a number indicating his name.

5. Notwithstanding the provision of the above paragraphs of this section, an original packer of oysters or the first dealer who repacks oysters may mark containers with grade designations other than "Fancy Shape", "Choice Shape" or "Standard Shape", provided that such oysters are packed and graded to comply with all the requirements of section 49 and are not of "Sub-standard Shape", as defined in subsection 4 of this section. After such oysters are inspected and passed by an inspecting officer, each container thereof shall be marked by him with a crown surrounding the words "Canada Oysters Inspected not graded for Shape" and a number indicating his name.

6. Notwithstanding the provisions of the preceding subsections, any container of oysters which has more than five per cent by count of oysters which are so badly twisted, notched, or otherwise malformed as to be distorted in shape, shall be marked by an inspecting officer with a crown surrounding the words "Canada Oysters Substandard Shape Inspected" and a number indicating his name.

**50. Importation of Oysters in Shell or Bulk into Canada**

Each consignment of oysters imported into Canada, whether in the shell or in bulk, shall be accompanied by a certificate by a competent authority, that will be satisfactory to the Department of National Health and Welfare, that will show that the oysters contained therein are a safe food product.



**Fish Inspection Act—continued**

**51. Regulations for the Inspection and Supervision of Shucking, Handling and Shipping Scallop Meat**

1. Scallops shall be shucked, handled and shipped under such sanitary conditions as will meet with the approval of the Department of National Health and Welfare.

2. Metal containers only shall be used to receive and hold shucked scallops and, when scallops are being shucked, the tops of such containers shall be high enough above the deck on which the shucker stands to prevent the scallops from being contaminated by waste portions of scallop meat or other material. Scallop meat shall be washed in metal containers only. Metal containers may be of tin plate, monel metal or aluminum.

3. Each scallop fishing boat shall be equipped with suitable tanks or containers for carrying salt water from approved sea areas for washing purposes. If scallops are washed on shore, such washing shall be done only in three per cent brine made with water from approved sources and with the permission of the inspector. Harbour or dock water shall not be used for washing scallop meat.

4. Metal containers only shall be used for shipping fresh scallop meat. Such containers shall not be over five gallon capacity and shall be of such shape that the meat may be chilled throughout. The metal containers shall be packed in ice within a larger wooden container. The metal containers shall be perfectly water-tight so that water from the melting ice cannot enter them. The wooden and metal containers shall be marked with the name and address of the shipper and the number of his certificate. The shipper shall keep a record of each shipment together with the names and licence numbers of the producers from whom he purchased the scallops.

5. All shucking and packing shall be done on the fishing boats or in licensed premises on land that may comply with the requirements of the Department of National Health and Welfare, and no scallop meat shall be permitted to come into contact with fresh water at any time.

6. Scallop boats shall fully discharge their catches of scallops each trip before returning to the fishing grounds.

7. A duly authorized inspecting officer shall take such steps as may be necessary to satisfy himself that the foregoing regulations are being complied with and the producer, packer or shipper who is found shucking, handling and shipping scallop meat, not in accordance with the regulations shall be liable to the penalty provided in subsection 2 of section 14 of the Fish Inspection Act.

**52. Regulations Governing the Operation of Shellfish Shucking Plants**

1. All establishments for the shucking of shellfish shall be subject to inspection by an inspecting officer duly authorized to undertake such work. Such establishments shall be adequately lighted, ventilated and screened and shall be operated and maintained in a clean and sanitary condition at all times.

2. All shucked shellfish meats shall after being packed, be immediately chilled either by the containers being placed in ice or by some other suitable means of refrigeration in order to ensure sufficiently low temperatures being obtained to prevent deterioration.

3. All containers of shucked shellfish meats shall be marked or labelled with the name and address of the packer and a true and correct description of the contents, together with a statement of net contents in terms of measure.



**Fish Inspection Act—continued**

4. Nothing in these regulations shall excuse the operator of an establishment where shellfish are shucked for export from any of the "Requirements for the Taking, Handling, Packing and Shucking of Shellfish for Export" as approved by the Department of Fisheries and the Department of National Health and Welfare.

**53. Regulations Governing the Inspection of Fish Curing and Processing Plants, Etc.**

1. All fish curing and processing establishments and places where fish are cleaned, salted, smoked, or otherwise prepared for market (except canneries which are inspected under the Meat and Canned Foods Act) and all puncheons, tubs, curing tanks, barrels, boxes and other utensils used in the process of cleaning, salting, smoking, drying, and otherwise preparing fish, shall be subject to inspection.

2. The inspecting officer shall periodically visit each fish curing and processing establishment within his district during each season when operations are being carried on in such establishments and report on their cleanliness and sanitary condition.

3. Every fish curing and processing establishment and place shall have an adequate supply of clean water not only for cleaning fish, but for thoroughly washing floors, tables and all utensils used in connection with fish curing and processing.

4. The floors, splitting and processing tables of every fish curing and processing establishment and place, and all utensils used in connection with the curing and processing of fish shall be kept clean and shall be thoroughly washed at the end of each day's operations.

5. All offal, including livers, shall be disposed of in such a manner as will not affect the sanitary condition of any fish curing and processing establishment or place or the surrounding ground or water.

6. Fresh groundfish and mackerel, upon being landed, unless processed immediately, shall be iced down and if to be transported for processing shall be iced and boxed in quantities of not more than two hundred pounds.

7. The owner or operator of any fish curing or processing establishment or place, and of utensils used in the processing or curing of fish, which are found to be not in accordance with the requirements of these regulations shall be liable to the penalty provided by section 16 of the Fish Inspection Act, chapter 72.

**54. Inspection Procedure**

1. When a cooper desires to sell or ship containers to be used for packing such pickled fish as come under the Fish Inspection Act, he shall give notice in writing or by other sufficient means to the inspecting officer in whose district the cooper's shop is located, of the number of containers he has ready for inspection and when inspection is required.

2. When a packer desires to sell or ship such fish as come under the Fish Inspection Act, he shall give notice in writing, or by other sufficient means, to the inspecting officer in whose district the fish have been packed, of the quantity and kinds of fish he has ready for inspection and when inspection is required.

### **Fish Inspection Act—continued**

3. An inspecting officer on receipt of such notice as is mentioned in sub-sections 1 and 2 above shall so govern his movements over his district that the least possible time shall elapse between the receipt of such notice and the carrying out of the desired inspection.

4. An inspector may detain for the time necessary to complete his inspection, any shipment of pickled fish in respect of which he has reasonable grounds for believing that the containers or their contents constitute a violation of the Act or regulations, and any inspector so detaining such a shipment shall give the owner, if not present, notice of such action by sending a telegram addressed to the packer or repacker whose name is marked on the container.

5. Inspectors must avoid anything which would delay unnecessarily the movement of containers of fish or which would interfere with the interests of those concerned in the fish trade, except in so far as action may be necessary to prevent violations of the Act.

6. Pickled fish may be moved in bulk from an outport to a central point and be sold for packing and preparation for market by the buyer, and be inspected there provided the seller and buyer give their local inspectors particulars as to quantity and kind of fish, etc., that are being moved in bulk. The local inspectors will in turn notify the Chief Supervisor.

### **55. Inspection of Containers**

1. In carrying out the inspection of empty containers an inspector shall closely examine each container in order to satisfy himself that it is constructed in accordance with the regulations. If the container is found to meet with the requirements the inspector shall place thereon a stamp with the words "Container Inspected" and a number indicating his name. If a container is found to fall below the requirements the inspector shall see that the words "Pickled Fish" are removed therefrom.

2. In carrying out the inspection of filled containers an inspector shall closely examine them in order to satisfy himself that they are constructed in accordance with the regulations and he shall, if he considers it necessary, empty the fish out of one container of each size and test its capacity with water. He shall test three others of each size, by calipers, and if he considers it necessary weigh the fish from one container of each size in each lot.

### **56. Inspection of Fish in the Containers**

1. In carrying out an inspection of the fish in containers, an inspecting officer shall open and examine one container in ten, when the lot consists of fifty or more containers, and one container in five when the lot consists of less than fifty containers.

2. Inspecting officers are not restricted to this scale, but, if need be, shall open as many containers as they deem necessary to satisfy themselves that the contents comply with all the requirements of these regulations.

3. The containers opened for examination shall, as far as possible, be opened at the bottom end and the head end alternately; that is to say, if the first barrel is opened at the head end, the second shall be opened at the bottom end and so on.

**Fish Inspection Act—continued**

4. From one in every five containers opened, the inspecting officer shall remove and examine the fish down to the middle of the container and from each of the remaining containers opened he shall remove and examine the fish half way to the middle of the container.

5. The inspecting officer shall himself remove the fish from the containers when conducting an examination, and shall see that the fish are afterwards placed carefully back in the containers from which they were removed and that the containers are properly closed and coopered without expense to the owner.

6. When an inspecting officer has completed the inspection of containers of pickled fish, he shall see that each container has been marked as required by these regulations.

**57. Disposal of Condemned Fish**

Fish that are found to be tainted and that are considered by the inspecting officer to be unfit for human food shall not be accepted for inspection and shall be disposed of by the owner under the direction of the inspecting officer in such a way as to prevent the possibility of their being marketed or sold for human food purposes.

**58. Reinspection**

1. In the event of a packer, repacker or purchaser appealing against the decision of an inspecting officer, and of another inspection being authorized by the Minister, the officer conducting the second inspection shall carry it out exactly in the manner prescribed for the first inspection.

2. An application for reinspection must be made to the Department within seven days after the fish in dispute have been delivered to the applicant. An extension of time, however, may be granted by the Minister at the request of the applicant provided the quantity of pickled fish is found to be larger than the applicant can reasonably handle in the specified time.

**59. Imported Fish**

An inspection of imported fish for sale in Canada shall be carried out in the manner prescribed for the Canadian product.

**60. Regulations Governing the Inspection of Fish in the Fresh, Frozen or Smoked State**

1. All fish whether in the fresh, frozen or smoked state shall be sound and wholesome.

2. An inspecting officer may take samples from any lot of fresh, frozen or smoked fish for the purpose of determining whether or not such lot of fish is sound and wholesome.

3. All unsound or unwholesome fish, whether in the fresh, frozen or smoked state, shall be disposed of, as provided by section 57 of these regulations.

**61. Classes and Grades of Salted Fish****1. Gaspé Cure Slack Salted (Hard) Dried.**

Selected.—Sound quality, reasonably thick, kench or pickle cured; hard dried fish of amber caste, somewhat translucent in appearance, well split, smooth surface, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or any salt on surface.



**Fish Inspection Act—continued**

**Choice.**—Sound quality fish, hard dried, but not up to standard of Selected; not over-salted, broken, sunburned, slimy, or otherwise defective; fish may be slightly rough in appearance, with slight blood stains and may show traces of salt on surface.

**Standard.**—Fish not up to standard of Choice; may be poorly split with rough face, showing salt, blood stains, clots and liver stains, with slight sunburn, but not to include sour or tainted fish or slinks.

**Substandard.**—Includes cullage from any of the above Slack Salted grades, but not fish of Inferior Grade as herein described.

Sizes.—Extra Large .....	26" and over
Large .....	22" to 26"
Medium .....	18" to 22"
Small .....	12" to 18"
Extra Small .....	Under 12"

**Moisture Content.**—Not more than thirty-eight per cent.

**2. Gaspe Slack Salted (Soft) Dried and Nova Scotia Fall Cure.**

**Selected.**—Sound quality, reasonably thick, kench or pickle cured; somewhat translucent in appearance, well split, smooth surface, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or any salt on surface.

**Choice.**—Sound quality fish, but not up to standard of Selected; not over-salted, broken, sunburned, slimy, otherwise defective; fish may be slightly rough in appearance, with slight blood stains and may show traces of salt on surface.

**Standard.**—Fish not up to standard of Choice; may be poorly split with rough face, showing salt, blood stains, clots and liver stains, with slight sunburn, but not to include sour or tainted fish or slinks.

**Substandard.**—Includes cullage from any of the above Slack Salted grades, but no fish of Inferior Grade as herein described.

Sizes.—Extra Large .....	26" and over
Large .....	22" to 26"
Medium .....	18" to 22"
Small .....	12" to 18"
Extra Small .....	Under 12"

**Moisture Content.**—Not more than forty-eight per cent.

**3. Slack Salted Shore Cure (Hard Dried).**

**Selected.**—Sound quality, reasonably thick, kench or pickle cured fish; somewhat translucent in appearance, well split, smooth surface, thoroughly clean on back and face, not showing blood stains, clots, liver, gut or any salt on surface.

**Choice.**—Sound quality fish, but not up to standard of Selected; not over-salted, broken, sunburned, slimy, or otherwise defective; fish may be slightly rough in appearance, with slight blood stains and may show traces of salt on surface.

**Standard.**—Fish not up to standard of Choice; may be poorly split with rough face, showing salt, blood stains, clots and liver stains, with slight sunburn, but not to include sour or tainted fish or slinks.



**Fish Inspection Act—continued**

**Substandard.**—Includes cullage from any or all above Slack Salted grades, but not fish of Inferior Grade as herein described.

Sizes.—Extra Large .....	26" and over
Large .....	22" to 26"
Medium .....	18" to 22"
Small .....	12" to 18"
Extra Small .....	Under 12"

**Moisture Content.**—Not over thirty-eight per cent.

**4. Slack Salted Shore Cure (Dried).**

Shall include the Grades and Sizes of Slack Salted Shore Cure (Hard Dried) heretofore described (3), the Moisture Content of which has been reduced to forty-three per cent.

**5. Heavy Salted Hard Dried.**

**Selected.**—Sound quality reasonably thick fish; firm, smooth, white faced, clean, free from slime; fish to be well split, without blood, liver or other stains; fish may be kench or pickle cured.

**Choice.**—Sound quality fish; firm, white faced, clean and free from slime; fish to be fairly well split, may show slight blood and/or other stains; fish may be somewhat rough in appearance.

**Standard.**—Fish not up to standard of Choice; may be poorly split with rough face showing blood clots, liver and salt stains, with slight sunburn, but not to include sour or tainted fish or slinks.

**Substandard.**—Includes cullage from any of the above Heavy Salted grades (Hard Dried), but not fish of Inferior Grade as herein described.

Sizes.—Extra Large .....	26" and over
Large .....	22" to 26"
Medium .....	18" to 22"
Small .....	12" to 18"
Extra Small .....	Under 12"

**Moisture Content.**—Not more than forty per cent.

**6. Heavy Salted Dried.**

Shall include the grades and sizes of Heavy Salted Hard Dried heretofore described (5), of which the moisture content is not more than (a) forty-three or (b) forty-five per cent,—as inspected.

**7. Inferior Grade (Barbados Quality).**

A special type of Substandard Grade, consisting of cullage from any or all the foregoing classifications and/or grades that are below the Standard grade, and including dry fish with dun, slime, sunburn, saltburn, and pieces. Inferior fish may be packed without regard to cull or size.

**8. Heavy Salted Saltbulk.**

**Washed and Pressed.**—Kench cured bank fish that have been washed and pressed.

**Other.**—Kench cured bank fish.

**Fish Inspection Act—continued**

**9. Scale Fish**

The foregoing classes and grades of salted fish apply to cod, haddock, hake, cusk, pollock and any other similar species of fish, provided that Choice, Standard, and Substandard grades only shall apply to haddock, hake, cusk and pollock, with moisture content of forty per cent, forty-three per cent and forty-five per cent for each class. The following sizes shall apply to such fish:

—	Pollock	Hake and Cusk	Haddock
Large.....	Over 16"	Over 20"	Nil
Medium.....	12" to 16"	16" to 20"	over 13"
Small.....	Under 12"	12" to 16"	Under 13"
Extra Small.....	Nil	Under 12"	Nil

**10. Green Salted Fish.**

Fancy.—Sound, heavy salted, reasonably thick pickle cured fish; well split, white naped, without blood clots, blood stains or other such discoloration; firm, smooth faced, bled or of the same whiteness as if fish were bled. (This grade chiefly for the boneless trade.)

Choice.—Not up to the standard of Fancy, may be kench or pickle cured; black or white naped, firm and reasonably well split; may show slight discolorations, but must be free of broken, slimy, putty, sour, or tainted fish, and slinks.

Substandard.—Includes cullage from either of the above grades of green salted fish.

Sizes.—Extra Large .....26" and over  
 Large .....22" to 26"  
 Medium .....18" to 22"  
 Small .....12" to 18"  
 Extra Small .....Under 12"

*Note.*—All measurements for size of foregoing grades to be from the end of the backbone at the round of the tail, up the centre, to the end of the flesh at the neck, but not to include the flap of the neck.

**11. Pickled Fillets.**

Boneless.—Sound heavy salted, pickle cured fillets; clean, sweet and firm, reasonably white in colour, all bones and fins removed, napes and edges trimmed to remove loose pieces and tail tips.

Semi-boneless.—Same as above without removal of pin bones.

Sizes.—Large: cut from fish over 22"—up to 60 pieces per 100 lbs.  
 Medium: cut from fish 18" to 22"—from 61 to 125 pieces per 100 lbs.  
 Small: cut from fish 12" to 18"—more than 125 pieces per 100 lbs.

*Note.*—Except in the Barbados Quality, fish showing "red" or "pink" are not acceptable under any of the foregoing classifications or grades of salted fish.

**Fish Inspection Act—concluded****62. Application of Classes and Grades**

1. The foregoing classes and grades of salted fish apply to cod, haddock, hake, cusk, pollock and any other similar species of fish.

2. In the event of a fisherman or other producer and a buyer or dealer having agreed to sell or buy fish in accordance with the standards set forth in section 61 above, either of such shall have the privilege of requesting the services of a duly appointed inspecting officer to inspect such fish and decide whether the fish are in accordance with the various standards herein established. The inspection shall be at such time and place as may be agreed upon between the seller, buyer and inspecting officer.

3. No dry or green salted cod, haddock, hake, cusk, or pollock shall be exported from Canada unless:

- (a) it has been packed in accordance with the classes and grades established by section 61 above;
- (b) the containers have been marked to show the name and address of the packer or exporter, the class, grade and net weight avoirdupois of the fish in each container;
- (c) such fish has been inspected within 30 days immediately preceding the date of its shipment out of Canada by an inspecting officer and the containers thereof stamped or stencilled by him with a Crown containing the words "Canada Inspected" and a number identifying the inspecting officer.

4. An inspecting officer when called upon to inspect fish according to the classes and grades shown above, shall conduct the inspection in such manner and by such method as will entirely satisfy him as to the size, grade and quality. On completion of the inspection, he shall, in the case of export from Canada, issue an inspection certificate and, in the case of inspection agreed upon between the seller and buyer, deliver to each a written report on the result of the inspection.

**FISHERIES**

*See also* BAIT FREEZING AND STORAGE FACILITIES; CUSTOMS AND FISHERIES PROTECTION ACT; DEEP SEA FISHERIES ACT; FISH INSPECTION ACT; FISHERIES PRICES SUPPORT ACT; CANADIAN FISHERMAN'S LOAN ACT; MEAT AND CANNED FOODS ACT; NORTHERN HALIBUT FISHERY (CONVENTION) ACT; SALT FISH BOARD ACT; AND APPENDIX II (NEWFOUNDLAND).

**FISHERIES ACT, 1932. (1932, c. 42).**

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| 1. <i>Sockeye Salmon Convention.</i>                 | 2. <i>Nova Scotia—Special Fishery Regulations.</i>          |
| 3. <i>New Brunswick—Special Fishery Regulations.</i> | 4. <i>Prince Edward Island—Special Fishery Regulations.</i> |
| 5. <i>Quebec—Special Fishery Regulations.</i>        | 6. <i>Ontario—Special Fishery Regulations.</i>              |

**Fisheries Act—continued**

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| 7. <i>Manitoba — Special Fishery Regulations.</i>  | 8. <i>Saskatchewan—Special Fishery Regulations.</i>  |
| 9. <i>Alberta—Special Fishery Regulations.</i>   | 10. <i>British Columbia—Special Fishery Regulations.</i>   |
| 11. <i>Northwest Territories—Special Fishery Regulations.</i>                                | 12. <i>Orders made under section 8 of the Special Fishery Regulations for the N.W.T.:</i><br>(a) <i>Kakisa Lake.</i><br>(b) <i>Great Slave Lake.</i> |
| 13. <i>Yukon Territory—Special Fishery Regulations.</i>                                      | 14. <i>Lobster Fishery Regulations.</i>  |
| 15. <i>Lobster Cannery returns.</i>  | 16. <i>Removal of obstructions from fishways.</i>  |
| 17. <i>Sanitary control of shellfish fisheries.</i>  | 18. <i>Application of fines and forfeitures.</i>   |
| 19. <i>Protection of belugas.</i>  | 20. <i>Protection of walrus.</i>   |
| 21. <i>Protection of seals.</i>  | 22. <i>Licensing of otter-type trawls—Atlantic coast.</i>  |
| 23. <i>Assistance in construction of dragger or long-liner vessels.</i>                      | 24. <i>Assistance in construction of bait freezing and storage facilities.</i>   |
| 25. <i>Orders made under section 29: conversion of fish into fish meal, fertilizer, etc.</i> | 26. <i>Orders made under section 48: closure of certain areas for natural or artificial propagation.</i>   |

**1. Convention Relating to the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System. (1930, c. 10).**

Under this Convention, signed at Washington on May 26, 1930, regulations are adopted by the International Pacific Salmon Fisheries Commission in respect of the waters covered by the Convention. By Article X thereof Canada has agreed to enact and enforce such legislation as may be necessary to make these regulations effective. To this end regulations under *The Fisheries Act, 1932*, superseding the existing provisions of the *Special Fishery Regulations for the Province of British Columbia* are made from time to time. The regulations respecting Sockeye Salmon fishing for 1949, which expired on December 31, 1949, were made by Order in Council P.C. 2706 of 2nd June, 1949, as amended by P.C. 3038 of 16th June, 1949, and published in Part II of the *Canada Gazette* on June 22 (page 1318) and July 13 (page 1335), 1949, respectively.



**Fisheries Act—continued****2. Special Fishery Regulations for the Province of Nova Scotia**

P.C. 5691

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of Nova Scotia, established by Order in Council P.C. 5358 of 31st December, 1947, as amended, are hereby revoked; and

2. The annexed "Special Fishery Regulations for the Province of Nova Scotia" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

## SPECIAL FISHERY REGULATIONS FOR THE PROVINCE OF NOVA SCOTIA

*Interpretation*

"angling" means the taking of fish with hook and line held in the hand or hook and line and rod, the latter held in the hand, but does not include set lines or lines tied to a boat.

"bag-net" is an apparatus that catches fish without enmeshing them. It consists of a bag attached to stakes, and floats with the tide or current.

"close season" means a specified period in which fish may not legally be taken.

"fishery guardian" means a guardian employed by authority of the Minister.

"fishery officer" means such officer having authority from the Department of Fisheries.

"fly-surface fishing" means angling with an artificial fly or flies, which may be single or double hooked, attached to the line or to a leader that is attached to the line.

"gill-net" means a net that catches fish by enmeshing them but which does not enclose an area of water.

"grilse" means a young salmon.

"hook", as used in angling, means a bait or lure capable of catching but one fish at one and the same time.

"jigging" means fishing for, catching or killing fish with a hook or hooks manipulated in such a manner as to pierce and hook a fish in any part of the body other than the mouth.

**Fisheries Act—continued**

“Minister” means the Minister of Fisheries.

“non-resident” means any person domiciled in the Province for a period of less than six months.

“one day” means from two hours before sunrise to two hours after sunset.

“purse-seine” is a net weighted at the bottom and mounted with rings through which a line is run; also it is floated at the top and cast from a boat so as to enclose an area of water. It is then closed at the bottom by the aforesaid line through the rings so as to form a purse or bag.

“Regional Supervisor” means the Regional Supervisor of Fisheries for the region concerned.

“spent” or “slink” salmon means salmon that are in poor condition and that are returning to sea after spawning.

“sport fish” includes salmon, trout and bass.

“trap-net” means an apparatus that is so set as to enclose an area of water into which area fish are guided by a leader and find entrance through an opening or openings.

“trout” includes char, speckled trout, salmon trout, grey trout and ouananiche or landlocked salmon.

“weir” differs from a “trap-net” in that it is constructed of brush and twine or wire netting.

**Section 1—Angling**

1. In angling no one shall use more than one fishing line, and such fishing line shall not be provided with more than three separate hooks, provided that in fly surface fishing a double hooked fly may be used.

2. The jigging of any sport fish is prohibited.

3. Angling is prohibited in non-tidal waters frequented by sport fish at all times when sport fishing by angling therein is illegal.

4. Angling for sport fish is prohibited from two hours after sunset to two hours before sunrise, provided that in the waters of Trout River, Lake Ainslie, angling for sport fish is prohibited from one hour after sunset to one hour before sunrise.

**Section 2—Anglers' Permits**

1. A non-resident shall not angle for or take sport fish without first obtaining an angler's permit issued by authority of the Minister. The fee for such permit shall be five dollars for the season or any part thereof; provided that minors under fifteen years of age when accompanied by a resident or by a non-resident permittee, shall not be required to have a permit.

2. One angler's permit only shall be issued to each applicant. Such permit shall not be transferable, and can be legally used only by the person whose name appears thereon. The holder of an angler's permit shall be required to produce and exhibit it when called upon to do so by any Fishery Officer or Fishery Guardian.

**Section 3—Bass**

1. No one shall fish for, catch or kill, bass except by angling.

2. Except in Brenton, Bunker, Doctor and Milton lakes, Yarmouth County, no one shall fish for, catch or kill small-mouthed or large-mouthed

**Fisheries Act—continued**

black bass, from the sixteenth day of September in each year to the thirty-first day of March following, both days inclusive. In the above mentioned lakes, the waters of which were stocked with small-mouthed black bass, no one shall fish for, catch or kill, small-mouthed black bass, from the first day of November in each year to the last day of June following, both days inclusive.

3. No one shall fish for, catch or kill, in any one day by angling, or shall carry away a greater number of bass than, in the aggregate, shall weigh more than twenty pounds plus one such fish and no greater number than thirty although the said number weigh less than twenty pounds.

4. In the tidal waters of the Annapolis River between Bridgetown and Annapolis, both places inclusive, no one shall fish for, catch or kill, by angling, any striped bass that is less than sixteen inches in length, measured from the end of the nose to the centre of the tail. Any striped bass of a less size, so taken, shall be immediately returned to the water by the person catching it, with as little injury as possible.

**Section 4—Certificates**

All packages of fish legally taken during the legal fishing season for such fish, and offered for shipment during the close season for catching such fish, shall be accompanied by a certificate from a Fishery Officer, or by a statutory declaration by the shipper that such fish were legally taken. Such certificate or declaration shall state the number of packages in the shipment together with the name or names of the kind or kinds of fish contained in the shipment. Such certificate or declaration may be attached to the shipper's waybill.

**Section 5—Clams**

1. For the purposes of this Section clams include Soft-shell, Long-neck or Squirt clams (*Mya Arenaria*); Bar clams (*Macra Solidissima*); and Quahaugs (*Venus Mercenaria*).

2. (a) No one shall, without lawful excuse, take, have in possession, or sell any soft shell clam (*Mya Arenaria*) less than two inches in length of shell measured in a straight line; nor any other clam less than two and one quarter inches in length of shell, measured in a straight line. Any such clam when taken shall forthwith be returned uninjured to the area from which it was taken; provided that soft shell clams of a smaller size than herein specified may be taken or had in possession for bait or local domestic use or taken, had in possession, or sold when taken from an overpopulated area so designated by the Minister.

(b) In the fishing for or taking of soft-shell clams from any public bed, only hand tools may be used.

(c) The export of soft-shelled clams (*Mya Arenaria*) from the province of Nova Scotia, to any place in or out of Canada, except in the shucked or canned state is prohibited.

3. In the Sissiboo River area in the County of Digby during any one calendar year,—

(a) The quantity of clams which may be taken for export from the province in the raw state shall not exceed six hundred barrels of two and one-half bushels each in the shell.



**Fisheries Act—continued**

- (b) The quantity of clams which may be taken for canning purposes within the province shall not exceed six hundred barrels of two and one-half bushels each in the shell.
  - (c) For the purposes of this regulation, "raw state" shall include shucked clams converted back to the shell state.
4. No one shall take or have in possession clams from the waters of St. Mary's bay, from New Edinburgh point to Major's point in Digby County, except for bait or for local domestic use.
5. (a) No one shall fish for, catch or kill quahaugs from the first day of November in each year to the tenth day of May following, both days inclusive, and from the first day of July to the tenth day of August in each year, both days inclusive.
- (b) Fishing for quahaugs in bays, harbours and other waters where oysters are taken, shall be permitted only on areas set apart and marked out by the local Fishery Officers for the respective districts in which such fishing is prosecuted.
- (c) Fishing for quahaugs on Sunday is prohibited.
6. As the Department of National Health and Welfare has determined that the following areas are so contaminated as to make shellfish taken therefrom unsafe for use as a raw food, no one shall fish for or take clams of any kind, at any time, excepting for use as bait, in—
- (a) All the waters of Pictou Harbour in the County of Pictou from a straight line drawn across the entrance of the said harbour from Cole Point to MacKenzie Head to a straight line drawn across the mouths of Middle and West Rivers from Skinner Point to Brown Point, including all the waters of East River of Pictou.
- (b) All the waters of John Bay and River John, in the County of Pictou, inside a straight line drawn northeast, by east, and southwest by south magnetic across John Bay, one-quarter mile seaward from Murphy Point.
- (c) All the waters of Wallace Harbour in the County of Cumberland that are between Livingstone Bridge and a line drawn across the said harbour due north from MacFarlane Point, the shore points of which line shall be marked by the Fishery Officer for the district.
- (d) All the waters of Pugwash Harbour, Pugwash River and River Philip in the County of Cumberland, inside a straight line drawn across the entrance to the said harbour from Lewis Head to Fishing point.
- (e) Yarmouth Inner Harbour, north of a line drawn from Bug Light on the east side to Johnson's Point on the west.
- (f) All the waters of Annapolis Basin from a point on the Western Shore line due east of the Pines Hotel to Robertson Point situated one and one-half miles northeast of Little Joggin railway bridge, including the Racquette, the Town of Digby water-front and the Little Joggin.
- (g) That portion of the south shore of Annapolis Basin lying between Deep Brook stream and the Roop Brook, Clementsport, including the vicinity of Deep Brook Naval Base and the mouth and estuary of Moose River.
- (h) That portion of the Sissaboo river upstream from a line drawn east and west one-half mile downstream from the highway bridge at Weymouth.



**Fisheries Act—continued**

- (i) That portion of Chebogue harbour north of a line drawn due east from Town Point wharf.
- 7. Excepting for use as bait, no one shall fish for or take clams in,—
  - (a) All the waters at the mouth of Musquodoboit Harbour in the County of Halifax, known as Eastern Bird Ledge, to extend to Crow Island and south to Martinique Channel.
  - (b) All the waters south of a line drawn due east magnetic from the northern point of Crab Beach at Chezzetcook Inlet in the County of Halifax.
  - (c) All the waters of John Island at Sable River in the County of Shelburne.
  - (d) All the waters of the area known as Crows Neck at Port la Tour in the County of Shelburne.

**Section 6—Eel Fishing**

(See also County Regulations)

1. During the months of October and November, in each year, no one shall fish for eels with a spear or with a torch or light of any kind in waters frequented by salmon or trout.

2. The use of spears of any kind at any time in fishing for eels or other fish is prohibited along that portion of the route of the cable of the Commercial Cable Company from Horne's point to the mouth of Gaspereaux brook, both inclusive, Guysboro county.

3. The use of spears is prohibited at any time for catching eels on any live oyster bed.

**Section 7—Explosives on Fishing Boats Illegal**

The presence of dynamite or other explosive on board any fishing boat, without the written permission of the local Fishery Officer, shall be deemed to be evidence of the killing of fish with explosive materials.

**Section 8—Gaspereau**

1. Except as herein otherwise provided, the use of gill-nets for catching gaspereau shall be permissible until June fifteenth inclusive, in each year.

2. No one shall fish for, catch or kill gaspereau from six o'clock of the afternoon of Saturday of each week to six o'clock of the morning of the Monday following, except as herein otherwise provided.

3. The mesh of nets to be used for the catching of gaspereau shall not be more than three inches extension measure, when in use.

4. The use of dip-nets for taking gaspereau shall be permissible until June fifteenth of each year.

5. All gaspereau nets shall be legibly marked, by a tag or float attached thereto, with the full name of the owner or operator of the net, which tag or float can be readily seen at all stages of the water without raising the net.

6. Should the Regional Supervisor find that gaspereau fishing is unduly harmful to any other fishery in his district, he may prohibit gaspereau fishing operations therein at any time before the closing dates specified in these regulations.

**Fisheries Act—continued**

7. Except as herein otherwise provided, in any river or tributary thereto across which a dam exists, the use of nets of any kind or of weirs for taking gaspereau is prohibited in the portion of such river or tributary thereto above the dam.

**Section 9—Herring**

Except as herein otherwise provided fishing for herring in the manner known as "driving" with torch flambeaux or other artificial light, is prohibited.

**Section 10—Lobsters**

(See Special Lobster Fishery Regulations)

**Section 11—Mussels**

As the Department of National Health and Welfare has determined there is a toxic condition existing in mussels taken in certain waters in the Province which makes them unsafe for use as food no one shall fish for, or take, mussels in the waters of the Province extending from Cape Sable Island, Shelburne County, westerly and northerly around the coast, including the shores of the Bay of Fundy to the New Brunswick boundary.

**Section 12—Purse-Seines**

(See also County Regulations)

1. No one shall operate a purse-seine except for the taking of mackerel, herring or pollock.

2. No one shall set or operate a purse-seine, nor shall anyone leave any port or place in Canada to set or operate a purse-seine, either inside or outside territorial waters of Canada, except under licence from the Minister. Before such licence is granted the applicant therefor shall make a statutory declaration setting forth the name or names of the owner or owners of the purse-seine and of the person or persons for whose benefit it would be operated, as well as the nationality of such owner or owners and person or persons.

3. No purse-seine shall be set or operated within one mile of any weir, trap-net or other stationary fishing appliance operated under licence.

4. For the taking of pollock no purse-seine having meshes measuring less than two inches extension measure when in use shall be set or operated.

**Section 13—Non-Tidal Waters**

(See also County Regulations)

1. Except as herein otherwise provided, the use of nets in non-tidal waters except for the capture of gaspereau, is prohibited.

2. Except as herein otherwise provided in any river across which a dam exists the use of nets of any kind or of weirs for taking gaspereau is prohibited in the portion of such river above the dam.

**Section 14—Oysters**

1. No person shall fish for or catch oysters on public beds except under licence from the Minister. The fee on such licence shall be fifty cents.

**Fisheries Act—continued**

2. (a) From the first day of December in each year to the twenty-fourth day of September following, both days inclusive, it shall not be lawful to fish for, catch or kill oysters on public beds.
- (b) From the first day of June in each year to the thirty-first day of August following, both days inclusive, it shall not be lawful except for the purpose of replanting, to fish for, catch or kill oysters on leased areas.
3. Except with the authority of the Minister, no one shall place in the waters of the province, any oysters that were taken outside the said waters.
4. Fishing for oysters is prohibited on Sunday, and from sunset to sunrise on any other day of the week.
5. The Minister may, in any instance where he deems such necessary, prescribe the minimum distance from a live oyster bed up to which mud digging may be permitted, and no one shall dig mud within such prescribed distance.
6. The use, for taking oysters on public oyster beds, of quahaug rakes, oyster drags or dredges, tongs operated by purchase power, or tongs or rakes other than the ordinary ones now in use in oyster fishing is prohibited.
7. Under a special permit issued by authority of the Minister, uncultured oysters may be taken from areas specified in such permit, for the purpose of stocking leased oyster areas; provided, that picking of oysters shall be permissible only from the first day of June in each year to the twenty-fourth day of September following, both days inclusive. The Regional Supervisor may prohibit or restrict such picking to a shorter period, if in his opinion it is detrimental to the Fishery.
8. (a) Except as herein otherwise provided, no one shall fish for, retain or kill any oyster of a less size than three and one-half inches measured in a straight line across the widest part of the shell.
- (b) Oysters of any size may be taken and removed from any leased area for relaying, and such oysters may be taken to and relaid on any other area when such transfer is not otherwise prohibited by these regulations.
9. Single undersized oysters that are taken from public beds in fishing operations shall be immediately returned to the water; undersized oysters that are in clusters or attached to oysters of legal size may be brought to shore for separating and culling and shall then be immediately returned to the public areas from which they were taken in accordance with instructions from the local Fishery Officer.
10. (a) As the Department of National Health and Welfare has determined that the areas described in this section are so contaminated as to make oysters taken therefrom unsafe for use as a raw food, until they are purified, except as hereinafter provided no one shall fish for or take oysters in the following areas at any time:

All the waters of Pictou Harbour in the County of Pictou from a straight line drawn across the entrance of the said harbour from Cole Point to MacKenzie Head to a straight line drawn across the mouths of Middle and West Rivers from Skinner Point to Brown Point, including all the waters of East River of Pictou;



**Fisheries Act—continued**

All the waters of John Bay and River John, in the County of Pictou, inside a straight line drawn northeast by east and southwest by west magnetic across John Bay one-quarter mile seaward from Murphy Point;

All the waters of Wallace Harbour in the County of Cumberland that are between Livingstone Bridge and a line drawn across the said harbour due north, from MacFarlane Point, the shore points of which line shall be marked by the Fishery Officer for the district;

All the waters of Pugwash Harbour, Pugwash River and River Philip, in the County of Cumberland, inside a straight line drawn across the entrance of the said harbour from Lewis Head to Fishing Point.

- (b) It shall be lawful under the following restrictions and conditions to fish for, take and remove oysters from the areas defined in this sub-section:
- (1) A special permit issued by authority of the Minister must be obtained.
  - (2) Such special permit shall convey to the authorized holder thereof the privilege of fishing for, taking and removing oysters from the area specified therein, for the purpose of relaying them in pure water areas or of chlorinating them.
  - (3) Fishing for, taking, or removing oysters under such permit shall be restricted to the period from the first day of June in each year to the thirty-first day of July following, both days inclusive.
  - (4) Such pure water areas must be approved by the Minister, and the oysters must be transferred directly to such areas from the producing beds and remain on such areas for a minimum period of time specified by the Minister.
  - (5) Chlorinating must be done under conditions, and for a period of time approved by the Minister.

11. As the Department of National Health and Welfare has determined that, with the exception of that portion of Wallace Harbour that is described in subsection 10 (a), all the remaining waters of the said harbour are so contaminated as to make oysters taken therefrom unsafe for use as a raw food until October fifteenth in each year, it shall not be lawful to fish for, or take oysters from December first in each year to October fourteenth following, both dates inclusive.

**Section 15—Pollock**

1. No one shall fish for, catch or kill pollock by means of spears or grapnel or gaff hooks; provided that the use of a gaff in hook and line fishing is permissible.

2. The use of drag-seines, having meshes of not less than three and one-half inches extension measure when in use, is permitted for the capture of pollock, provided that no such drag-seine fishing operations shall be permissible within one mile of any weir, trap-net or stationary fishing appliance, operated under licence.



**Fisheries Act—continued****Section 16—Prohibitions***(See also County Regulations)*

1. The introduction of non-indigenous or non-native fish into the waters of the province, except by special permission of the Minister is prohibited.
  - (a) The use of drag-seines is prohibited in the waters of Bras d'Or lakes.
  - (b) In the island of Cape Breton no net shall be set nearer to the outlet or entrance of any lake than three hundred yards.
  - (c) In the island of Cape Breton no nets, except smelt and gaspereau nets, shall be set in the ponds at the outlet of any river or stream.
  - (d) In the island of Cape Breton no net of any description shall be set nearer than one-half mile outside the entrance of any river or stream frequented by salmon or trout.
  - (e) In the island of Cape Breton no net of any description shall be set in non-tidal waters.
  - (f) No salmon net shall be set in the tidal waters of any river in the island of Cape Breton, with the exception of Mira river, Cape Breton county, and Grand river, Richmond county, where straight gill-nets only may be used, and, for hatchery purposes only, of Margaree river, Inverness county.
  - (g) Excepting dip-net fishing for gaspereau, fishing other than by angling in Shubenacadie or Grand lake, and Big Ship Harbour Lake (Lake Charlotte) is prohibited.

2. No person shall fish in any stream within one hundred yards of an authorized county fence, barrier or other obstruction used in observing the passage of fish.

**Section 17—Salmon***(See also County Regulations)*

1. No one shall fish for, catch or kill salmon otherwise than with gill-nets, drift-nets, trap-nets or weirs, or by angling.
2. The mesh of salmon drift-nets, gill-nets or trap-nets, and the leaders of salmon weirs shall not be less than five inches extension measure, when in use.
3. All salmon nets shall be legibly marked by a tag or float attached thereto, with the full name of the owner or operator of the net thereon, which tag or float can be readily seen at all stages of the water without raising the net.
4. No one shall fish for salmon with a net of any kind except under licence from the Minister. The fee for such licence shall be one dollar.
5. Except as herein otherwise provided, no one shall fish for, catch or kill salmon with nets of any kind from the sixteenth day of August in each year, to the fifteenth day of April following, both days inclusive, except in Minas Channel, Minas Basin, Cobequid bay, Chignecto bay and Cumberland Basin, where no one shall fish for, catch or kill salmon with nets of any kind from the first day of September in each year to the fifteenth day of April following, both days inclusive.
6. Except as herein otherwise provided, from the time of low water nearest six of the clock in the forenoon of every Saturday to the time of low water nearest six of the clock in the forenoon of every Monday, all salmon

**Fisheries Act—continued**

fishing gill-nets, drift-nets, trap-nets and weirs shall be so raised or adapted as to admit of the free passage of fish through, by or out of such apparatus or be so effectively closed as to completely obstruct and prevent the entrance of fish into such apparatus; provided that this close time shall not apply to nets operated on exposed portions of the coast; provided further that in Minas Basin and Cobequid bay the weekly close time for salmon drift-nets shall be from the time of high water nearest six of the clock in the forenoon of every Saturday to the time of high water nearest six of the clock in the forenoon of every Monday.

7. (a) Except as herein otherwise provided, no one shall fish for, catch or kill salmon by angling from the first day of September in each year, to the thirty-first day of March following.
- (b) In the waters of the Island of Cape Breton (except in Baddeck and Middle Rivers where angling is permissible to the fifteenth day of October) no one shall fish for, catch, or kill salmon by angling from the first day of October in each year, to the thirty-first day of May following, both days inclusive.
- (c) In the waters of the Counties of Hants, Pictou, Antigonish and Guysboro, no one shall fish for, catch, or kill salmon by angling from the fifteenth day of September in each year, to the fifteenth day of April following, both days inclusive.
- (d) In the waters of the Counties of Cumberland and Colchester no one shall fish for, catch or kill salmon by angling from the fifteenth day of October, in each year, to the fifteenth day of April following, both days inclusive.
- (e) In the waters of Halifax County no one shall fish for, catch or kill salmon by angling from the fifteenth day of September, in each year, to the thirtieth day of April following, both days inclusive.

8. The number of salmon that may be taken in any one day by an angler shall not exceed five, and in any one week shall not exceed twenty, provided that in the waters of the island of Cape Breton not more than three salmon may be taken in any one day by an angler.

9. Angling for salmon shall be restricted to fly surface fishing and in such fishing the use of any bait or lures other than artificial flies is prohibited.

10. No person shall use a dam for the purpose of so regulating the retention or discharge of water as to facilitate the catching of salmon either by suddenly closing or opening the dam, or in any other manner whatsoever.

11. No salmon or grilse weighing less than three pounds, round weight, shall be retained or kept out of the water. If such salmon or grilse be caught inadvertently it shall, if possible, be returned alive and uninjured to the water from which it was taken by the person catching it. If dead or injured, any such fish may be taken possession of by the Fishery Officer.

12. No one shall fish for, catch, kill or retain any spent or slink salmon.

13. The use of a torch or other artificial light in fishing for or catching salmon is prohibited.

14. In dip-netting for gaspereau or shad, no salmon which may be inadvertently taken, may be retained, but shall be forthwith returned, alive and uninjured, to the water by the person taking it.

**Fisheries Act—continued****Section 18—Scallops**

1. No boat shall be used in scallop fishing nor shall any one leave any port or place in the province to fish for scallops, either inside or outside territorial waters, except in a boat that is under licence from the Minister. The fee on each such licence shall be one dollar.

2. No one shall fish for scallops in that portion of the Bay of Fundy that is between a line drawn from Cape Spencer, St. John county, N.B., to Delap Cove, Annapolis county, N.S., and a line drawn from the lighthouse at Cape St. Mary, Digby county, N.S., to the lighthouse at Western Head in the State of Maine, from the first day of May to the thirtieth day of September, in each year, both days inclusive.

3. No one shall fish for scallops in the waters of Digby Basin from the first day of March, in each year, to the thirty-first day of January next following, both days inclusive.

4. No one shall fish for scallops in the waters of Lunenburg County from the first day of May in each year to the thirty-first day of October following, both days inclusive; provided that in that part of Lunenburg Harbour which is north west of a line drawn from Fifty Acre Point to the western end of Hickman's Island, no one shall fish for scallops until the first day of November, 1951.

5. In fishing for scallops in the area specified in sub-sections two, three and four, of this section, the total combined length of the drags used by any scallop fishing boat shall not exceed eighteen feet.

6. Except in the Gulf of St. Lawrence and except for any scallop taken therefrom, no one shall without lawful excuse fish for, take, have in possession, or sell any scallop less than four inches in greatest diameter of shell; any such scallop when taken shall forthwith be returned uninjured to the bed from which it was taken.

7. The meshes of scallop rake bags shall consist of wire or twine rings of not less than three inches inside diameter.

8. "Floating" or "soaking" scallop meat in fresh water is prohibited.

**Section 19—Shad**

(See also County Regulations)

1. Except as herein otherwise provided, no one shall fish for, catch or kill shad, other than by gill-nets, drift-nets, or by angling.

2. No one shall fish for shad with a gill-net or a drift-net, except under licence from the Minister, the fee for such licence shall be one dollar.

3. Except as herein otherwise provided, no one shall fish for, catch or kill shad in non-tidal waters.

4. All shad nets must have attached thereto a wood or metal plate on which the number of the licence and the name of the licensee is plainly marked in such manner as to be readily examined by a Fishery Officer.

5. Shad fishing shall be permissible only from the sixteenth day of May until the twentieth day of June in each year, both days inclusive, provided that,

(a) In the tidal waters of the Shubenacadie and Stewiacke rivers and in the tidal waters of their tributaries, shad fishing shall be permissible only from May first to June tenth in each year, both days



**Fisheries Act—continued**

inclusive. For the purposes of this regulation the mouth of the Shubenacadie river shall be a straight line drawn from Maitland Ferry, Hants County, to Black Rock, Colchester County; and

- (b) In the bay of Fundy and its remaining tidal tributary waters fishing for shad shall be permissible only from May first to September thirtieth in each year, both days inclusive.

6. From the time of low water nearest six of the clock in the afternoon of Friday in each week to the time of low water nearest six of the clock in the forenoon of each Monday following it shall be unlawful to fish for, catch or kill shad; provided that after September first in each year there shall be no weekly close time.

7. The mesh of shad gill-nets and drift-nets shall not be less than five inches extension measure, when in use.

8. Should a Regional Supervisor find that shad fishing in his region becomes unduly harmful to any other fishery, he may prohibit shad fishing therein at any time before the closing dates specified in these regulations.

**Section 20—Smelts**

(See also County Regulations)

1. Except as herein otherwise provided, fishing for smelts otherwise than with gill-nets, bag-nets or hook and line is prohibited; provided, that in the waters of Digby and King's Counties dip-netting for smelts for local domestic use but not for sale or barter is permissible until May thirty-first in each year.

- 2. (a) No one shall fish for smelts with a gill-net or bag-net or box-net where box-nets are permissible, except under licence from the Minister.

- (b) The fee on each set of smelt gill-nets of one hundred and fifty fathoms or less shall be fifty cents.

- (c) The fee on each smelt bag-net or box-net shall be one dollar.

3. Smelt gill-nets and bag-nets shall have a mesh of not less than one and one-quarter inches extension measure, when in use.

4. Except as herein otherwise provided, smelt gill-net fishing shall be permissible only from the fifteenth day of October in each year, to the last day of February following, both days inclusive.

Provided that in that portion of Richmond county, extending from the Inverness county line to St. Peters canal, including St. Peters bay and inlet, Isle Madame and other adjacent islands, and embracing the streams and lakes and their tributary waters in this district and the coastal and Bras d'Or lake waters adjacent to it, smelt gill-net fishing shall be permissible from October first to January thirty-first following, both days inclusive.

5. Except as herein otherwise provided, smelt bag-net fishing shall be permissible only from the twenty-fifth day of November in each year to the last day of February following, both days inclusive, provided that in the Counties of Cumberland, Colchester, Pictou, Antigonish, Guysboro and Halifax smelt bag-net fishing shall be permissible only from the thirty-first day of October in each year to the fifth day of February following, both days inclusive; provided further, that smelt box-net fishing shall be permissible in the waters of the County of Richmond only from the first day of November in each year to the thirty-first day of January following, both days inclusive.



**Fisheries Act—continued**

6. Smelt bag-nets or gill-nets shall not be set or used within fifty yards from each other across a river, nor within one hundred yards of each other up and down a river, but the local Fishery Officer may in any instance require such greater distance between nets either across or up and down a river as he may consider necessary.

7. Smelt gill-nets or bag-nets shall not be set in the spans of bridges, nor within one hundred yards of such spans.

8. All smelt nets shall be legibly marked by a tag or float attached thereto, with the full name of the owner or operator of the net thereon, which tag or float can be readily seen at all stages of the water without raising the net.

9. Except as herein otherwise provided, no one shall fish for, catch or kill smelts from the first day of April to the thirty-first day of July in each year, both days inclusive.

10. No one shall prepare to fish with bag-nets by either cutting holes in the ice for, or in connection with fishing purposes, or by placing rigging of any kind for fishing, before eight o'clock in the morning of the day on which bag-net fishing may legally begin.

11. All persons opening holes in the ice for the purpose of taking smelts shall cause the same to be marked with four evergreen bushes, at least six feet in height, when the holes are not in use.

12. The use of smelt box-nets shall be permissible in bays and inlets of Cape Breton island where the width of the tidal water area is not less than one-half mile between the opposite shores. The use of such box-nets shall be permissible only during the legal smelt bag-net fishing season.

**Section 21—Trout**

1. Except as herein otherwise provided, no one shall fish for, catch or kill trout of any kind from the sixteenth day of September, in each year, to the fourteenth day of April next following, both days inclusive.

2. No one shall at any time fish for, catch or kill trout otherwise than by angling. Jigging is prohibited.

3. Fishing for trout through the ice is prohibited.

4. (a) Except as herein otherwise provided, no one shall fish for, catch or kill, by angling, in any of the waters of the Province, in one day, or shall carry away a greater number of trout than in the aggregate weigh more than ten pounds, plus one trout, and no greater number than twenty, although the said number weigh less than ten pounds.

(b) Provided that no one shall fish for, catch or kill, by angling, in any of the waters of the Province, in one day, or shall carry away more than three grey trout and no grey trout that is less than fifteen inches in length measured from the end of the nose to the centre of the tail shall be retained. Any grey trout of a less size that may be caught shall forthwith be returned alive and, if possible, uninjured to the water by the person catching it.

(c) Provided that no one shall fish for, catch or kill, by angling in Shubenacadie, Grand Lake and its tributary waters, in one day, or shall carry away more than ten landlocked salmon and no landlocked salmon that is less than fifteen inches in length measured

**Fisheries Act—continued**

from the end of the nose to the centre of the tail shall be retained. Any landlocked salmon of a less size that may be caught shall forthwith be returned alive and, if possible, uninjured to the water by the person catching it.

5. No one shall fish for or retain any trout that is less than six inches in length, measured from the end of the nose to the centre of the tail, and any trout of a less size which may be taken, shall forthwith be returned alive and uninjured to the water by the person taking it; provided that no one shall fish for, or retain any trout that is less than eight inches in length, measured from the end of the nose to the centre of the tail in:

Margaree River and its tributaries, Inverness County. Lake Ainslie and its tributaries, Inverness County. Lake O'Law and its tributaries, Inverness County. Baddeck River and North River, St. Ann's, and their tributaries, Victoria County. Kilkenney Lake, Cape Breton County.

Any trout of a less size than eight inches that may be caught in the above mentioned waters, shall forthwith be returned alive and uninjured to the water by the person catching it.

6. The export of speckled trout is prohibited, provided however, that any non-resident fishing in waters of the province may upon leaving the province take away the lawful catch of two days' fishing, if the shipment is accompanied by a certificate to the effect from either the local Fishery Officer in whose district the fish were caught, or from the local station agent adjacent to the locality in which they were caught.

7. The use of a torch or other artificial light in fishing for or catching trout is prohibited.

8. Provided that nothing in this section shall apply to the breeding or rearing of trout of any kind by private enterprise for commercial purposes, and provided further that no one shall engage in the breeding or rearing of trout for commercial purposes, except under permit from the Minister, and under rules that may be prescribed by the Minister.

9. (a) In Sunken (Sumpter) Lake, Kings County and in Rumsey Lake, Annapolis County, which waters were stocked with rainbow trout, no one shall fish for, catch or kill trout of any kind from the first day of November in each year to the last day of June following, both days inclusive.

(b) No one shall fish for or retain any rainbow trout that is less than eight inches in length measured from the end of the nose to the centre of the tail, and anyone who catches any such trout which is less than eight inches in length shall immediately return it to the water with as little injury as possible.

**Section 22—Trap-Nets**

(See also County Regulations)

1. No one shall operate a trap-net except under licence from the Minister. The fee on a trap-net licence shall be one dollar.

2. Except as herein otherwise provided no seine shall be drawn nor any net set within one hundred and ten fathoms (one-eighth of a mile) of any trap-net nor shall any trap-net be set or placed nearer to another trap-net than one hundred and ten fathoms (one-eighth of a mile).

**Fisheries Act—continued**

3. All trap-nets shall be legibly marked with a tag or float attached thereto, with the full name of the owner or operator of the net and the number of his licence, which tag or float can be readily seen at all stages of the water without raising the net.

4. The cases where a double bowl is used on a trap-net the distance across the widest part of the second bowl must not exceed the distance across the widest part of the original bowl.

5. The distance to obtain between trap-nets shall be measured from the trap twine nearest the next adjoining trap twine.

6. Before a licence for a trap-net berth is issued to any person, company, partnership or group, the Department may require that the applicant furnish a statutory declaration showing any or all of the following particulars:

- (a) The name and address of the manager or spokesman for the company, partnership or group;
- (b) The name, address and nationality of all persons having any interest in the company, partnership or group, and the shares held by each;
- (c) A copy of an agreement signed by the shareholders and certified by the manager or spokesman stating how the berth will be operated for the benefit of the shareholders.
- (d) A statement as to whether or not the berth was operated the previous year and if not, the reason; also if it is intended to operate the berth during the current year.

**Section 23—Weirs**

(See also County Regulations)

1. Except as herein otherwise provided no one shall operate a weir except under licence from the Minister. The fee on such licence shall be one dollar.

2. Except as herein otherwise provided, the distance between licensed weirs shall not be less than one hundred and ten fathoms.

3. All brush weirs built on flats (so-called) which go dry at low tide shall be provided with suitable escape gates to permit the passage of fish therefrom. These escape gates must be opened before each low tide to permit the escape of fish and prevent needless destruction.

**COUNTY REGULATIONS****Section 24—County of Cape Breton**

1. Except as herein otherwise provided, no net, weir, or other contrivance for taking fish other than smelts shall be set or placed in the tidal waters of Sydney river.

2. Within a quarter of a mile of the entrance to Little Bras d'Or Lake, and up to and including a quarter of a mile on the western side of Little Bras d'Or bridge, no herring net shall be allowed to remain set in the water between ten o'clock in the morning and four o'clock in the afternoon of each day.

3. Except in the tidal portion of the Mira river, no salmon net fishing shall be permissible in any river in the County of Cape Breton.



**Fisheries Act—continued**

4. No nets for taking smelts shall be set in Catalone Lake.
5. In the waters of Kilkenny Lake no fishing shall be permitted, except fly surface fishing.
6. Gaspereau gill-net fishing in the tidal portions of Mira river and Sydney river may be permitted on and after June fifteenth in each year when in the opinion of the Regional Supervisor such fish are required as bait for sea fishing and no other fresh bait is available on the coast in the vicinity of these rivers.

*Section 25—County of Inverness*

1. No flume, eel-box or pot, or any other contrivance for taking fish shall be set with its mouth upstream in any river or branch thereof from the first day of July until the tenth day of November, if, in the opinion of the local Fishery Officer, such appliances destroy young gaspereau, salmon or trout.
2. For the purposes of these regulations the entrance to Mabou river shall be a straight line drawn directly across the river from the north end of the breakwater at the outlet from Mabou harbour.
3. Gaspereau gill-nets set in any river shall not exceed thirty fathoms in length.
4. No weir or other contrivance for taking fish, set abreast of any island, shall take up in distance or extend more than one-third of the stream on either side of such island, and no weir or other contrivance shall be placed within fifty yards either above or below such island.
5. From the upper line of the Indian lands at the Forks of Margaree to ten chains above it, only one weir shall be permitted to be set or placed, and such weir shall occupy not more than one-quarter of the stream; and if such weir be set or placed at a point where the two rivers meet, only one-sixth of the stream shall be occupied.
6. No person shall set or place a weir opposite another weir in any river, nor within sixty yards of any other weir.
7. No weir shall exceed in length thirty feet from the sluice, and no sluice shall exceed twenty feet in length.
8. No weir shall be placed by the side of any wharf or bulwark erected in any part of the Margaree river.
9. No seine, trap-net, fish pound or fish-box shall be used in any stream, and no weir shall be turned upwards against the stream.
10. Fishing is prohibited in Trout River, Lake Ainslie, upstream from one hundred and five yards south of the southern side of the highway bridge; and fishing, other than fly-surface fishing, is prohibited downstream therefrom to within one hundred yards of either side of the entrance of the river.
11. No net other than a smelt net shall be set in the tidal waters of the Southwest Mabou river.
12. No net of any description shall be set in the waters of river Denys. For the purpose of this regulation "mouth of river" shall be a straight line drawn due west from Plaster rock on the east side to the shore on the opposite side.



**Fisheries Act—continued**

13. No net of any description, with the exception of smelt nets, shall be set in the waters of Munroe cove, Denys basin, nor within one-half mile of Munroe bridge.

14. Gaspereau gill-net fishing in Margaret harbour may be permitted on and after the fifteenth of June in each year, when in the opinion of the Regional Supervisor such fish are required as bait for sea fishing and no other fresh bait is available on the sea coast in that vicinity.

15. No net of any kind shall be set in the waters of Captain John's brook, Little Judique, except nets for catching smelts.

16. No person shall set or use a net in the waters of the Margaree River upstream from an imaginary line drawn at right angles from the Department of Fisheries retaining pond to the opposite side of the river.

**Section 26—County of Richmond**

Fishing by any means is prohibited in the following waters:—

That portion of the waters of Grand River from McKay's Bridge, so-called, for a distance of approximately five miles, to a point marked on the shore immediately below R. M. Morrison's house.

**Section 27—County of Cumberland**

1. The tidal boundary in River Philip, for the purpose of the Fisheries Act, shall be at the foot of Hannan's falls, so-called.

2. Weirs, for the purpose of taking fish of any kind, shall not be allowed in any of the rivers of this county, nor within half a mile of the mouth thereof.

3. Nets for the purpose of taking gaspereau shall not be set in the Wallace river above a point nearer than one-quarter of a mile below the site formerly occupied by Messrs. Rindress and Seamen's milldam, on Wallace river.

4. Gaspereau fishing shall be permissible until June thirtieth only, inclusive in each year.

5. Under written permit from the local Fishery Officer, dip-netting for smelts by the residents of the county, for their own domestic use and not for sale or barter, shall be permissible until June fifteenth of each year, in the streams of the county that are tributary to Bay of Fundy waters.

6. In the taking of clams along the north shore of Minas Basin, a headwater of the Bay of Fundy, the size limit as provided in the general regulation for clams shall not apply.

**Section 28—County of Colchester**

1. Under written permit from the local Fishery Officer, dip-netting for smelts by the residents of the county for their own domestic use and not for sale or barter, shall be permissible until June fifteenth of each year, in the streams of Colchester county that are tributary to Minas Basin and Cobequid Bay.

2. In the taking of clams along the north shore of Minas Basin, a headwater of the Bay of Fundy, the size limit as provided in the general regulation for clams shall not apply.

**Fisheries Act—continued**

**Section 29—County of Guysboro**

1. Moorings for nets (excepting for salmon) shall not be dropped or placed at a less distance from each other than seventy fathoms, unless the net or nets set thereto be moored at each end; then a distance of not less than sixty fathoms shall obtain, and all moorings shall be of sufficient strength to hold a fleet of two nets in ordinary weather, and the buoys attached thereto shall be marked with the owner's names.

2. No one shall set more than two nets (salmon nets and smelt gill-nets excepted), not to exceed twenty fathoms each in length, to any mooring, nor shall any net be so set that one shall be on top or over the other, viz., one sunken and one afloat, nor shall any net or nets exceed in depth an ordinary mackerel net.

3. When the nets are set or sunken under the surface of the water their position shall be marked by not less than three floating buoys attached to each one with the owner's name legibly marked thereon.

4. No person or persons shall sweep or haul with a seine, net or other appliance any fish within the entrance or mouth of any fresh-water lake, river or stream, nor within one-half mile of the entrance outside of the same on either shore.

5. No net or trap of any kind shall be set or used in the waters of Cole Harbour River above a line drawn from Dort wharf on the northerly side of the river to the northern end of Munroe Island.

6. The local Fishery Officer may authorize the taking of gaspereau for bait purposes only, during the weekly close time for these fish.

**REGULATIONS GOVERNING NET AND TRAP-NET FISHING IN  
QUEENSPORT HARBOUR**

7. Traps shall not extend outward more than sixty fathoms from the shore end of the leader to the back or outside of the trap, but in no instance shall the shore end of the leader be deemed to begin farther from shore than the first point where the water is four fathoms or more deep at high water.

8. No net shall be set or operated nearer a trap than forty fathoms from the back or outside thereof or one hundred fathoms from the first point nearest the shore where the water is four fathoms deep or more at high water.

9. The distance along shore, between traps, shall be one hundred and ten fathoms, except in cases authorized by the Fishery Officer, with the consent of the owners of the traps affected.

10. No fisherman shall be allowed to set more than three fleets of nets in the harbour.

11. All nets in the harbour shall be hauled and taken on shore by one hour after sunrise, weather permitting. No nets shall be set in the harbour earlier than one hour before sunset.

**Section 30—County of Halifax**

**SEINE REGULATIONS FOR COUNTY OF HALIFAX**

1. In an established seining district in Halifax County no one shall operate a seine of any kind except under licence from the Minister and whether in an established seining district or not, no one shall operate a set seine except under licence from the Minister. The fee on such licence in either instance shall be fifty cents.

**Fisheries Act—continued**

2. In an established seining district an applicant, to qualify for a seine licence must be,—

- (a) The owner of a seine not less than eighty fathoms in length and eight fathoms in depth in the bunt, and five fathoms in the bridle sheets, and made of twine not lighter than No. 6 cotton or No. 2 mullet, and having meshes not larger than two and a half inches extension measure when in use.
- (b) The owner of a seine boat not smaller than seventeen feet long in the bottom and five feet ten inches wide at the top.
- (c) A resident within the seining district, who makes it his place of fishing, and having therein fish houses and stores, which provide sufficient accommodation to enable the proper curing of and caring for the fish that would be caught under the licence.

3. In any part of Halifax County,—

- (a) A seine shall not exceed one hundred and twenty fathoms in length, providing that when the seine is set from the shore and the arm is rounded in, a net not exceeding twenty fathoms in length may be set from the shore running in the direction of the rounded-in arm so as to form a mouth.
- (b) In cases where seines are set on shoals, or near ledges, the seine may surround an area of water.
- (c) The use of a leader in seine fishing is strictly prohibited.

4. In any part of Halifax County outside of an established seining district,—

- (a) A licence shall entitle the holder to fish in the berth named therein until he has caught twenty barrels of mackerel and the licence shall thereupon terminate; provided, however, that the holder of an unexhausted licence shall be entitled to all the fish taken in the last haul, notwithstanding that the quantity may be in excess of that required to exhaust his licence.
- (b) Anyone may shoot a seine around a school of fish without a licence providing that said shoot of seine shall not be permissible within two hundred and twenty fathoms (one-quarter of a mile) of any seine, trap-net or other stationary fishing apparatus operated under licence from the Minister.

5. In any established seining district in the County of Halifax,—

- (a) From the first day of May to the fifteenth day of November in each year, both days inclusive, no nets or fishing apparatus of any kind, not under licence shall be set within one hundred and ten fathoms of: (1) the shore of the mainland or of adjacent islands; (2) reefs or rocks where seines are being fished under licence; (3) any part of a seine, other than the moorings, actually set under licence.
- (b) No one shall sail or row a boat through or over a seine net within the limits of a berth, and no one shall disturb the water within the limits of the berth so as to frighten fish from any portion thereof.
- (c) A licence shall entitle the holder to fish within the limits of the berth for which it is issued, in the manner known as seine fishing, until the holder has caught within such berth twenty barrels of mackerel, provided that, in the Lower Prospect and Terrance Bay districts, until the holder has caught within such berth, fish in the fresh state to the total value of Five Hundred Dollars (\$500), and



**Fisheries Act—continued**

the licence shall thereupon terminate, but such fishing shall be carried on only during the two seasons, from May first to July fifteenth, both days inclusive, and from July sixteenth to November fifteenth, both days inclusive.

- (d) Berth Licences shall be numbered. The holder of licence No. 1 shall be entitled to the first fishing privilege within the limits of a berth named in his licence.
- (e) The holder of the licence next in number shall be entitled to shoot a seine at the rounded-in arm of the seine owned by the Holder of the licence, the number of which immediately precedes his, and to the rights of fishery in the berth when the preceding licence shall terminate.
- (f) One hour after sunrise, in the absence, without lawful excuse, of the licence holder having the first right to shoot a seine the next licensee in order may shoot his seine in the berth and be entitled to all the fish he may catch in that shoot.
- (g) It shall be held to be a lawful excuse if a licensee is absent from his berth on account of attending the funeral of kinsfolk or friend, and is engaged necessarily in drying his seine.
- (h) One hour after sunrise in the absence of any licensee holder in a berth, any seine owner may shoot a seine, the first owner throwing his anchor and fastening his seine to a stake and having sufficient crew to work the seine, shall have preference in the berth, and the next in order throwing anchor and fastening his line to a stake, may shoot his seine from the rounded arm of the first.
- (i) Any fish caught in berths by any other than the person entitled to fish therein, when the berth is occupied by the person entitled thereto, shall be the property of the licensee.
- (j) Licences shall be issued and allotted to the person entitled thereto in the order and for the berths named at a meeting of the seine owners, to be called by the local Fishery Officer for that purpose, in the first week in January and the first week in July, in each year. Due notice of such meetings shall be given by the Fishery Officer.
- (k) The holder of an unexhausted licence shall be entitled to all the fish taken in the last shoot of the seine, notwithstanding that the quantity of fish caught may be in excess of that required to exhaust the licence.

6. The following districts in the county of Halifax are hereby established as seining districts:

**WEST DOVER:** To include the waters within one-half mile of a line drawn from Shark Rock (near Corney's Rock) on the west, to the eastern end of Big White Island, on the east; thence in a northwardly direction to Ryan point; thence by the coast westwardly to Black Duck river.

**UPPER PROSPECT:** To include the waters within one-half mile of the coast, from Shag Head on the West to midway between the northern and southern entrance of the channel between Shannon island and the mainland on the east, and of the islands therein embracing the northern half of Shannon island, the west side of Betty island and all of Duck island, Breakfast island, Hopson island, Burnt island, Norris island, Hearn island and Roost island.



**Fisheries Act**—*continued*

**SAMBRO DISTRICT:** To include that portion of Halifax county extending from Morris point, on the east, to Pennant point, on the west and embracing the waters of Sambro harbour.

**LOWER PROSPECT:** To include that portion of the coast of Halifax county within one-half mile of the shore, and of adjacent islands, extending from midway between the northern and southern entrance of the channel between Shannon island and the mainland on the west, including the eastern shore of Shannon island and the eastern shore of Betty island to Brig point, and on the east by a line true north from the southernmost point of Mars island, including Power island, Bald Rock, Bartlett island, Otter island, Ryan island, Norris island and Mars island.

**TERRANCE BAY:** To include that portion of the coast of Halifax county from a line drawn true north from the southernmost point of Mars island to the mainland, on the west, to a line drawn north magnetic from the northern point of Pennant island to the mainland, on the east, including Big Woody island, Little Woody island, Mackerel island, and Power island, with the exception of the eastern and western berths on the south side, and the western half of outer Pennant island.

**PENNANT DISTRICT:** To include the waters of Pennant harbour and Pennant point, on the east, to the eastern boundary of the seining district of Terrance Bay.

7. The Herring cove district, including the coast waters of the county of Halifax from "Crowley's point" so-called, on the south to "Holy Stone", so-called, on the north, both inclusive, shall be established as a seining district, and to it the following regulations shall apply instead of those provided in the previous portion of this section.

- (a) All berths shall run in an east-northeast direction and shall not extend beyond twenty-five fathoms from high water mark on shore.
- (b) From August first to November twentieth in each year, both days inclusive, no one shall fish with a seine in this district, except under licence from the Minister. The fee on such licence shall be fifty cents.
- (c) Licences for the different berths in this district shall be drawn for each season at a meeting called for that purpose, which meeting shall be called by the local Fishery Officer during the last week in July of each year.
- (d) At the aforesaid meeting a Fishermen's Committee consisting of three members shall be appointed by the resident fishermen present for the purposes of assisting the Fishery Officer in the drawing and to advise him in any matters pertaining to the operation of the seine berths.
- (e) To be entitled to draw, an applicant must be present or have a representative present at the meeting, and such applicant or representative must be approved by a majority of the resident fishermen present; provided that the aforesaid Fishermen's Committee may recommend to the local Fishery Officer that a licence be issued to any fisherman who comes into possession of the required fishing gear to entitle him to a draw, after the meeting is held.

**Fisheries Act—continued**

- (f) To qualify for a seine licence an applicant must be in possession of a net not less than fifty fathoms in length and six fathoms in depth in the bunt, which for the purposes of these regulations will be known as a seine.
- (g) Each fisherman who is successful in drawing a berth shall, upon payment of the licence fee, have issued to him a licence which shall entitle him to occupy the berth named therein on the date seine fishing commences.
- (h) The seine fishing season shall commence on the first day of August and shall terminate on the twentieth day of November in each year, both days inclusive, and during this period no nets nor fishing apparatus of any kind not under licence, shall be set or used within one hundred fathoms of highwater mark on shore along the portion of the coast where seine berths are being operated.

Provided that for a period of one month from a date to be set by the aforesaid Fishermen's Committee, herring gill-nets may be operated anywhere within the seining district excepting within a radius of twenty-five fathoms from the peak or outer point of a licensed seine.

- (i) Each licensee shall move his seine one berth north not later than six o'clock in the afternoon, of each day, during the seining season, until the northernmost berth, which shall be known as "Holy Stone", is reached, from which berth he shall move to the southernmost berth, which shall be known as "Crowley's Point", and proceed again in a like manner.

*Section 31—County of Halifax*

1. Except as herein otherwise provided, no net or other apparatus for taking fish shall be used or set within the limits described in the following named waters respectively:

- (a) *Ecum Secum river.*—Within two hundred and fifty yards on either side of the bridge on the main road, and within the same distance of Leslie's mill site.
- (b) *Moser's river.*—Above the landing.
- (c) *Quoddy river.*—Inside an imaginary line, magnetic, drawn east and west from the northern end of Paul's island.
- (d) *Salmon river, Port Dufferin.*—Above the north corner of the mill wharf.
- (e) *Sheet Harbour rivers.*—Within two hundred and fifty yards of West river bridge, Little river bridge or above Jackson's wharf, East river.
- (f) *Kirby river.*—Within the mouth of the river; provided that smelt gill-nets may be set under licence during the legal fishing season.
- (g) *Tangier river.*—Above the north corner of George Ferguson's wharf and west of same, nor in the small lake below Mooseland mills.
- (h) *Ship Harbour river.*—Within two hundred and fifty yards of the mouth of the river, and also within two hundred and fifty yards of the mouth of Newcomb's brook.
- (i) *Musquodoboit river.*—Above Gardner's line on the north side of White rock on the south side.

**Fisheries Act**—*continued*

- (j) Petpeswick river.—Within two hundred and fifty yards of the bridge.
- (k) Chezzetcook river.—Within two hundred and fifty yards of the large granite called Boundary rock.
- (l) Porter's lake.—In Porter's lake, or within two hundred yards of any outlet or entrance thereof connecting the lake with the Atlantic ocean, except that the local inhabitants may be permitted to set nets for gaspereau from the fifteenth to the thirty-first day of May in each year, both days inclusive.
- (m) Lawrencetown river.—Within two hundred and fifty yards on either side of the dyke, provided that gill-nets for taking smelts may be set under licence during the legal season.
- (n) Cole Harbour dyke and river.—Within Cole Harbour dyke or the mouth of the river and two hundred and fifty yards outside the same; provided that smelt gill-nets may be set under licence during the legal season; and provided further that residents may set herring nets having a mesh of not less than two and one-quarter inches extension measure until the fifteenth day of May in each year in that part of Cole Harbour on the western side from the point at the County cemetery northward to Stoney Wharf, Lawlors Cove.
- (o) Cow bay run.—Within two hundred and fifty yards on either side.
- (p) Nine Mile river.—North of a point two hundred and fifty yards below the highway bridge near the mouth of the river, provided that gill-nets only may be set for gaspereau only, within the area from the highway bridge, upstream one-half mile, during the legal fishing season for gaspereau.
- (q) Prospect bay river.—Within two hundred and fifty yards from White's wharf, so-called.
- (r) Terence bay river.—Within two hundred and fifty yards from low-water mark.
- (s) Sackville river.—Above a line drawn from the public landing at Bedford across the head of Bedford basin to Butler's point; provided that in the area below this line and above one drawn from the side of the Florence Hotel on the western side of Bedford basin to Partridge point on the eastern side of Bedford basin only herring gill-nets operated until May thirty-first each year and licensed salmon nets during the legal season therefor may be used.
- (t) Necum Teuch river.—Within a line drawn southeast and northwest magnetic two hundred yards seaward of Ansel Smith island.

Provided that fishing for gaspereau with dip-nets and fishing by angling, during the legal season for each, shall be lawful in all the waters named in this subsection.

2. Musquodoboit Inlet.—No one shall fish for, catch or kill salmon with a net of any kind in that portion of the Musquodoboit Inlet from a line drawn east and west magnetic across the said inlet at a point three hundred feet southwardly from the southern end of Long island in the said entrance, thence northerly including the Narrows to a line drawn east and west magnetic across the said inlet at a point three hundred feet north of the northern end of the said Long island.



**Fisheries Act—continued**

**3. Upper Prospect Salmon Fishing District:**

That portion of the coast waters of the county of Halifax established by subsection 6 of section 30 as the seining district of Upper Prospect is hereby established as a salmon fishing district, within the limits of which the following regulations shall apply:—

- (a) Salmon net berths shall be drawn for and licences issued to persons entitled thereto at an annual meeting to be held during the month of November of each year, the date to be set by the local Fishery Officer, and due notice to be given by him to the fishermen.
- (b) To qualify for a licence, an applicant must be in possession of seven fleets of salmon gill-nets, each fleet to consist of two nets not less than fifteen fathoms long, provided that if two or more persons indicate their desire to operate jointly and notify the local Fishery Officer accordingly, and are in possession of the specified number of nets, they may qualify for one licence and take part in the drawing.
- (c) Before participating in the drawing for berths, each applicant must be in possession of the specified amount of fishing gear, proof of which he must be prepared to submit to the Local Fishery Officer.
- (d) Until each qualified applicant has been assigned a berth at the drawing no one shall be entitled to a second draw and then only by the approval of the majority of applicants.

4. Fishing by any means is prohibited in the waters of any part of the canal lock on the property of the Department of Fisheries at Shubenacadie Grand lake; excepting under such conditions as may be determined by that department.

5. The local Fishery Officer may authorize the taking of gaspereau for bait purposes only during the weekly close time for these fish.

6. Fishing by any means is prohibited in the waters of Ingraham river from a point twenty-five yards seaward of the highway bridge at Ingraham port to a point twenty-five yards above the said bridge.

**Section 32—County of Hants**

1. No flume, eel-box or any other contrivance shall be set with its mouth upstream, if it will destroy young salmon or alewives, from the first day of July in each year until the thirtieth day of November following, both days inclusive.

2. No drifting for shad or gaspereau shall be allowed in the Avon river, inside of a straight line drawn from the point in Avondale where the St. Croix river joins the Avon to Armstrong creek on the Falmouth side, and the Dominion Atlantic Railway bridge.

3. Gaspereau gill-nets may be used in the non-tidal water of the Shubenacadie river until June fifteenth inclusive in each year.

4. Under written permit from the local Fishery Officer, dip-netting for smelts by the residents of the county for their own domestic use and not for sale or barter, shall be permissible until June fifteenth in each year.

**Fisheries Act—continued**Section 33—*County of Pictou*

1. No nets or other apparatus for taking fish shall be used or set within the limits described in the following waters respectively, fishing in these being permitted by angling only:

- (a) Pine Tree cove, tributary of Merigomish harbour above a straight line across the mouth at the headlands of the entrance.
- (b) All waters of Boat harbour from one hundred yards seaward of the Highway bridge across the entrance.
- (c) All the waters of Big Gut, East river of Pictou, and one hundred yards seaward from the Highway bridge across the entrance.
- (d) All the waters of Haliburton creek (or Town gut so-called) West river of Pictou, from Brown's point to the point on the western side of the entrance.

Section 34—*County of Antigonish*

1. No net or trap of any kind shall be set in non-tidal waters.

2. Excepting smelt gill-nets, no net or trap of any kind shall be set or used within the limits defined below in the following waters:

- (a) Dunn's cove, including Dunn's pond, so-called, inside of a straight line drawn across the entrance thereto from a point five hundred yards seaward from the Highway bridge.
- (b) Head of Antigonish harbour, including the tidal estuaries of West and South rivers, inside of a straight line drawn northwest and southeast magnetic across the harbour from the northern point of Falt's Island.

Section 35—*County of Lunenburg*

## (Chester District)

1. The mouths of Gold, Martin's, Middle and East rivers shall extend southerly in the harbour of Chester to an imaginary line commencing at Andrew's point and thence to Deep Cove.

2. Gold River—

- (a) In the tidal water no net shall be set or placed north of Joseph Rafuse's south line.
- (b) From the aforesaid line to Swinehammer's rock no nets shall be of greater length than ten fathoms.
- (c) From the last-mentioned bound to Oak Island no nets shall be of greater length than twenty-eight fathoms and no nearer each other than thirty rods.
- (d) No net shall be set at the "Narrows," between Oak Island and the mainland.
- (e) From Oak Island to Martin's point, no net shall be of greater length than twenty-eight fathoms.
- (f) On the east side of said river no net shall be set nearer the head of the tide at low water than one-eighth of a mile.

**Fisheries Act—continued**

- (g) Between the last-named bound and one-eighth of a mile below Eisenhaur's point, nets for the taking of salmon shall be of no greater length than ten fathoms.
- (h) From the last-mentioned bound eastward to Green point, no net shall be of any greater length than twenty-eight fathoms.
- (i) All the nets referred to in this subsection shall be set or placed at right angles from the shore.
- (j) No dip-nets shall be used in any part of the river or its branches after June fifteenth.

**3. Middle-river—**

- (a) On the west side, in the tidal waters, no net for the taking of salmon or gaspereau shall be set between the head of the tide and twenty rods west of the Bluff.
- (b) From twenty rods west of the Bluff to Green point no net shall be of a greater length than twenty fathoms.
- (c) On the east side, from the head of the tide to Nathan Eisenhaur's wharf, no net of any description shall be set.
- (d) From said Eisenhaur's wharf, and around the north of Mosher's island, and on the east of Mosher's island, no net for the taking of salmon shall be of any greater length than eighteen fathoms.
- (e) All such nets shall be set at a right angle from the shore.
- (f) No dip-nets shall be used in any part of the river or its branches after June fifteenth.

**4. East river—**

- (a) In the tidal waters on the west side no net shall be set for salmon nearer the river than Spruce point.
- (b) On the east side no net shall be set nearer the river than Prescott's rock.
- (c) No gaspereau shall be taken with dip-nets or otherwise within one hundred yards of East river falls.
- (d) No dip-nets shall be used in any part of the river or its branches after June fifteenth.

**5. Salmon districts, East Chester.—No salmon nets in any of the following districts shall be of greater length than thirty-five fathoms,—**

- (a) To begin at Lobster point and extend east to Hume's point.
- (b) To commence at and include Hume's point to Spruce point.
- (c) To commence at Prescott's rock and extend to Behan's island.

**6. (a) No seine shall be shot in Deep cove.**

- (b) From June tenth to August tenth in each year, both days inclusive, no mackerel, herring or gaspereau net shall be set inside a straight line drawn from Misner's wharf to Behan island; provided that in any licenced trap-net berth in this area in which the licensee is not at the time operating, such fishing shall be permissible.

- (c) All nets in Deep cove shall be set at right angles to the shore.

- (d) In Deep cove the twine used in the bowl of any trap-net shall not exceed seventy fathoms in length, and in the leader of such net the length of twine used shall not exceed fifteen fathoms; provided that the local Fishery Officer may require a lesser length of twine to be used in the bowl or leader of any such trap-net.



**Fisheries Act—continued**

7. Mahone bay and Mush-a-mush river.—In Mahone bay no net, seine or other contrivance, except smelt nets under licence, for taking fish shall be set or placed above an imaginary line from John McLean's wharf, on the west side to Fred Burgoyne's wharf, on the east side, as far up as Kedy's bridge, at any time of the year.

8. A licence to operate a trap-net in any of the recognized fishing berths in the Region of Northwest and Southwest coves, including the shore from Owls Head to the Southwest island passage and the west side of Southwest island, shall be drawn for before the beginning of each season at a meeting called for that purpose by the local Fishery Officer.

The holder of a drawberth licence shall be permitted to operate the berth, until he has secured twenty barrels of mackerel, when his place shall be taken by the next in turn as determined by the draw.

The recognized fishing berths under this section shall be known as:

Name of Spring Berth—

Moland Head,  
Back Cove,  
Gravel Beach,  
Eastern Head,  
South West Bank,  
Mose Cove,  
Tilley's Cove,  
Long Point,  
South West Island Launch.

Name of Fall Berth—

Horse Island,  
High Head,  
Bumble Beach,  
Round Rock,  
South West Point,  
Rum Cove.

9. For the purpose of the draw the spring fishing berths in the Mill cove district known as Tilley's Cove and Long Point berths, and the berth at Horse island, shall be included in the Northwest Cove district and drawn for.

10. The fall fishing berth known as Tilley's Point, the spring fishing berth known as Middle Point and Holly Horns Rock berth, all of which are distinctly in the Mill Cove district, shall be excluded from the Northwest Cove district draw and be licensed as at present.

11. The berths at shoal waters in Southwest Island passage, Launch, Northeast side of Southwest island, Southeast point of Southwest island, High Cliff, Southwest island, Lower Berth, Southwest island, Blow Hole, Owls Head cove, Croucher store, Southwest cove, North side of store, Southwest cove, shall not be made subject to the draw. They shall continue to be licensed as at present.

12. An applicant for a trap-net licence in the Northwest and Southwest cove districts must be owner of property in one or other of the districts, and must be in possession of the necessary fishing gear in order to enable him to draw; provided that an applicant who already holds a licensed fishing berth shall not be entitled to a draw.

**Fisheries Act—continued**

13. Salmon trap-net or pound-net fishing is prohibited in that portion of the Chester district from Mader's cove to East river point inclusive.

14. Should the Regional Supervisor find that the use of shear or hook on any salmon net is unduly harmful to the salmon fishery he may prohibit the use of such shear or hook.

15. Smelt gill-net fishing shall be permissible only from the first day of October in each year to the last day of February following, both days inclusive.

Section 36—*County of Lunenburg*  
(Western District)

1. Petite riviere.—

- (a) The mouth of the said river for the purposes of the Fisheries Act shall be an imaginary line from Cherry point west to Coot rocks east.
- (b) No net or seine shall be set or placed in Petite riviere harbour nearer any wharf than two rods, and any nets set or placed within the mouth of said river for the purpose of taking shad or gaspereau shall not be of a greater length than fifteen fathoms, and shall not be set nearer each other than one hundred yards.

2. LaHave river.—

- (a) For the purposes of the Fisheries Act the mouth of LaHave river shall be at an imaginary line extending from Gaff point to Mosher's head.
- (b) From Hann's Point to the southern boundary of the Town of Bridgewater, no net of a greater length than twelve fathoms shall be set.
- (c) No net or nets for taking fish shall be set or used in the LaHave river above the southern boundary of the town limits of Bridgewater, provided that gaspereau and shad dip-net fishing may be permitted at Cooks falls, Frido falls, Wentzell falls and Morgan falls in the main LaHave river and at Thresher falls on the north Branch LaHave river on Monday, Tuesday and Wednesday of each week during legal fishing season.

3. No person or persons shall, in any manner whatever, drive or attempt to drive any gaspereau or salmon up or down in any run or stream in the county of Lunenburg at any time of the year.

4. All nets in said rivers or branches thereof shall be set at right angles to the shore.

5. In the waters of the Medway river estuary, from the mouth of the river, as defined by subsection 3 (b) of section 37 hereof outwards, to and including Frying Pan island on the eastern side, the following restrictions and conditions shall apply to salmon net fishing—

- (a) A special salmon gill-net licence shall be obtained from the Minister.
- (b) Such licence shall authorize fishing from Monday at six o'clock a.m., until Friday at six o'clock p.m., during the period from the first day of April to the thirty-first day of July, in each year, both days inclusive.

**Fisheries Act—continued**

- (c) Only British subjects who are fishermen and resident taxpayers of the district covered by this regulation shall be eligible for such licences.
  - (d) A licence shall authorize the licensee to operate one salmon gill-net not exceeding twenty-one fathoms in total length and of mesh of not less than six-inch extension measure when in use.
  - (e) Only fishermen who remain within the fishing district and operate their nets during the season shall be eligible for licences and no licensee shall engage another person to operate under his licence on a share or other basis. Any licensee failing to comply with this requirement shall forfeit his licence for the fishing season.
  - (f) Nets shall be placed at distances of not less than one hundred yards apart provided that the local Fishery Officer may direct that a greater distance than one hundred yards be left between nets.
  - (g) When two or more licensees operate a berth jointly, week and week about, it may be permissible for any of the joint licensees, when not occupying the berth proper, to set their nets in unoccupied berths provided that there is no interference with another net under licence.
  - (h) The local Fishery Officer shall call meetings of salmon fishermen at Vogler's Cove during the third week of March, in each year, for the purpose of allotting berths and issuing licences. Due notice of such meetings shall be given to the fishermen.
6. Smelt gill-net fishing shall be permissible only from the first day of October in each year to the last day of February following, both days inclusive.
7. (a) From September first to October thirty-first in each year, both days inclusive, eels may be taken in any river in Lunenburg County, by means of brush weirs or eel traps but by no other method.
- (b) In each box of every brush weir for taking eels there shall be an opening large enough to permit the free passage of fish out of such box. This opening shall be provided with a gate which shall be kept open each day from sunrise to sunset.
- (c) Each eel trap shall be provided with a door which shall be closed from sunrise to sunset each day to prevent entrance of fish.
- (d) Anyone who operates an eel weir or eel trap shall remove it entirely from the water within forty-eight hours after the close of the eel fishing season.
- (e) The location and length of each eel weir or eel trap shall be determined by the local Fishery Officer.

**Section 37—County of Queens**

1. No shear nets shall be set in any of the rivers, nor any nets with stakes in the form of a pound, but all nets shall be set straight.
2. The length of each salmon net used in the rivers of the county shall not exceed eighteen fathoms nor be less mesh than five inches.
3. The limits of the rivers for all purposes of these regulations shall be understood to mean—
  - (a) The Liverpool or Mersey river, as far down the harbour as a line drawn from Eastern Head to Moose Harbour.



**Fisheries Act—continued**

- (b) The Port Medway river, as far down as a line drawn from Smith's point on the western side of Port Medway harbour to Clattenburg island on the eastern side.
- (c) The Broad river, as far down as the mouth of said river.
- (d) Port Mouton from Busen's point to Broad River Head.

4. No dogfish, or offal of fish or gurry, shall be thrown into the harbour of Liverpool from Coffin's island to Western Head, nor in Port Medway above a line from Western Head to Frying Pan, nor at Port Mouton within a line from Busen's point to Broad River Head, nor within Port Joli Harbour from Port Joli Head to Black Rock, nor west to the Western Head of Port Hebert.

5. Any person making cod fishing his business shall be allowed to set one bait net during the week, excepting Saturday night; and a permit for Sunday night may be given by the Fishery Officer when bait is needed.

6. No net of any description shall be set at Port Joli, across the little channel caused by the brook issuing from Robertson's lake, but all nets shall be set in the main channel.

7. On Monday, Tuesday, Wednesday and Thursday in each week, from twelve o'clock noon to sunset of each of these days, the inhabitants of this county shall be allowed to dip gaspereau and shad in any of the rivers or streams in this county subject to the regulations, but not to dip within one hundred yards of any fishway, fishhole, or any other contrivance made for the protection of salmon or gaspereau.

8. Salmon net fishing in the portion of the Medway river below the highway bridge at Mill Village.—During the portion of the legal net fishing season for salmon from the sixteenth day of April to the fourteenth day of June, in each year, both days inclusive, it shall be lawful under the following restrictions and conditions to fish for and catch salmon with nets in that part of the Medway river from its mouth, as defined by sub-section 3 of this section, up to the highway bridge at Mill Village.

- (a) A special permit must first be obtained from the Minister.
- (b) Such permit shall authorize fishing from Monday at six a.m. to Thursday at six a.m. of each week during the period from the sixteenth day of April to the fourteenth day of June in each year, both days inclusive.
- (c) Only British subjects who occupy land on either side of the portion of the river in which net fishing is permissible and who also have been fishing with nets there during at least the past three years shall be eligible for such permits.

9. (a) No fishing of any kind shall be permitted after June fifteenth in each year, in that portion of the Medway river between the dam at Salter's falls and an imaginary straight line drawn across the river from the downstream side of the pulpmill, as this portion of the river comprises part of the Fishway through the dam at Salter's falls.

- (b) Fishing by any means is prohibited in the portion of the Medway river between an imaginary straight line drawn across the river from a point fifty yards below the highway bridge at the foot of Salter's falls and an imaginary straight line drawn across the river from the downstream side of the pulpmill.

**Fisheries Act—continued**

10. All stakes, moorings and killogs used for salmon and gaspereau fishing shall be taken up by the person who put them down immediately at the close of the fishing season, and shall not be put down again before the first day of April the following year.

11. In the waters of the Medway river estuary from the mouth of the river, in the County of Queen's as defined by subsection 3 of this section outwards, to and including Rugged harbour on the western side and Frying Pan island on the eastern side, the following restrictions and conditions shall apply to salmon gill-net fishing,—

- (a) A special salmon gill-net licence shall be obtained from the Minister.
  - (b) Such licence shall authorize fishing from Monday at six o'clock a.m. until Friday at six o'clock p.m. during the period from the first day of April to the thirty-first day of July, in each year, both days inclusive.
  - (c) Only British subjects who are fishermen and resident tax-payers of the district covered by this regulation shall be eligible for such licences.
  - (d) A licence shall authorize the licensee to operate one salmon gill-net not exceeding twenty-one fathoms in total length, and of mesh of not less than six inches extension measure when in use.
  - (e) Only fishermen who remain within the fishing district and operate their nets during the season shall be eligible for licences and no licensee shall engage another person to operate under his licence on a share or other basis. Any licensee failing to comply with this requirement shall forfeit his licence for the fishing season.
  - (f) Nets shall be placed at distances of not less than one hundred yards apart, provided that the local Fishery Officer may direct that a greater distance than one hundred yards be left between the nets.
  - (g) When two or more licensees operate a berth jointly, week and week about, it may be permissible for any of the joint licensees, when not occupying the berth proper, to set their nets in unoccupied berths provided that there is no interference with another net under licence.
  - (h) The local Fishery Officer shall call meetings of salmon fishermen at Port Medway and East Port Medway during the third week of March, in each year, for the purpose of allotting berths and issuing licences. Due notice of such meeting shall be given to the fishermen.
12. (a) Salmon net fishing in the portion of the Mersey or Liverpool river between Upper Eel Rock at the foot of Salmon island and the Marine Slip shall be permissible only from April sixteenth to June thirtieth, in each year, both days inclusive, and then only on Monday, Tuesday and Wednesday of each week.
- (b) No net fishing shall be permissible above Upper Eel Rock at the foot of Salmon island.
13. Torching for herring in Liverpool harbour may be permitted.
14. (a) From September first to October thirty-first in each year, both days inclusive, eels may be taken in any river in Queens county, by means of brush weirs or eel traps but by no other method.

**Fisheries Act—continued**

- (b) In each box of every brush weir for taking eels there shall be an opening large enough to enable the free passage of fish out of such box. This opening shall be provided with a gate which shall be kept open each day from sunrise to sunset.
- (c) Each eel trap shall be provided with a door which shall be closed from sunrise to sunset each day to prevent the entrance of fish.
- (d) Anyone who operates an eel weir or eel trap shall remove it entirely from the water within forty-eight hours after the close of the eel fishing season.
- (e) The location and length of each eel weir or eel trap shall be determined by the local Fishery Officer.

15. Smelt gill-net fishing shall be permissible only from the first day of October in each year to the last day of February following, both days inclusive.

*Section 38—County of Shelburne*

1. The limits of the following rivers for the purpose of these regulations shall be—

- (a) Shelburne river, down to the south side of McNutt's island;
- (b) Jordan river, down to West Head, on the Headlands;
- (c) Green Harbour river, down to the south side of Headlands;
- (d) Sable river, down to the south side of Headlands;
- (e) Port Hebert river, down to the south side of Headlands;
- (f) Clyde river, down to the south side of Headlands;
- (g) Barrington river, down to the south side of Headlands.

2. Jordan river in tidal waters.—No nets, other than smelt bag-nets, shall be set upstream from the railway bridge.

3. (a) Ogden's brook in tidal waters.—No nets shall be set within one hundred yards of the bridge, and below that on one side only.

(b) No gaspereau shall be taken in any manner in or about lake Isabella, known as Hayden's lake.

4. Green harbour in tidal waters.—No nets shall be set within one hundred yards of the bridge, and below that on one side only.

5. Sable river in tidal waters.—No fish shall be taken within two hundred yards of the post road.

6. Matthew's lake, or Little Harbour lake (so-called)—No fishing shall be permitted in this lake except with hook and line.

7. Port Hebert in tidal waters.—No net shall be set within two hundred yards of the post road.

8. Birch Town brook in tidal waters.—No net shall be set within two hundred yards of the post road, and below that on one side of the brook only.

9. Clyde river in tidal waters.—No net fishing shall be permissible above the public wharf at Port Clyde.

10. No person shall set more than two nets, and no one boat shall take more than two persons. Each net shall have attached to it in full the name of the owner.



**Fisheries Act—continued**

11. No flume eel-box, or pot, or any other contrivance shall be set with its mouth open upstream on any river or branches thereof from the first day of July until the tenth day of November, for the purpose of taking eels, if it will destroy young gaspereau.

12. No net shall be set nearer to the outlet of any lake or brook than one hundred yards.

13. (a) On any portion of the Barrington river from the Barrington Woollen Mills dam to the head of Little lake, no fishing for gaspereau in any form shall be permissible.

(b) Dip-net fishing for gaspereau only is permissible on that portion of the Barrington river from the upper side of the highway bridge up to within thirty feet of the Barrington Woollen Mills dam.

14. The length of any salmon net used in the rivers and estuaries in Shelburne county shall not exceed twenty fathoms.

**Section 39—County of Yarmouth**

1. Tusket river shall be considered to extend for the purposes of the Fisheries Act from its source to the south side of McGrath's old wharf on the cape at Wedgeport, thence eastwardly to the Ferry landing at Pointe des Ben.

2. Owners of land along any falls in any of the rivers of Yarmouth county shall be allowed one stand for dipping fish except salmon, to be selected by the owners and pointed out to the Fishery Officer, who shall determine what claim they are entitled to, and to hold the same as their fishing privilege; the said stands to be in front, adjoining land owned by the parties severally.

3. Any person occupying a public privilege on the falls shall, after loading, make room and give place for others by removing, if requested to, and shall not occupy said privilege the second or subsequent time until each person requesting the privilege shall have had his turn.

4. Every land owner to whom a dipping stand is allowed shall confine himself to said stand for the purpose of taking gaspereau, but shall be allowed to set one salmon net in tidal waters.

5. Each net shall have attached to it the name in full of the owner.

6. No flume, eel-box or pot, or any other contrivance shall be set with its mouth upstream on any river or branch thereof, for the purpose of taking eels, if it will destroy young gaspereau, from the first day of July until the tenth day of November in each year.

7. No net shall be nearer to the foot of any falls, rapids or brook than one hundred yards.

8. All mill-dams on the Tusket river and all its tributaries as well as Salmon river and its tributaries, shall, unless provided with fishways to the satisfaction of the Fishery Officer be opened and remain open from the first day of April until the first day of November in each year.

9. Tusket river.—Gaspereau fishing, by use of dip-net only in that portion of the river between the Highway bridge at Tusket and the Highway bridge at Hatfield's falls is permissible on Monday, Tuesday, Wednesday and Thursday of each week until the thirty-first day of May inclusive in each year.

**Fisheries Act—continued**

10. (a) Smelt fishing in Eel brook and Eel lake and waters tributary thereto shall be confined to the use of hook and line.
- (b) In the tidal waters of the Tusket and Salmon rivers smelt gill-net fishing shall be permissible from the opening of the smelt gill-net fishing season until December fifteenth in each year.
11. The use of weirs for taking fish is prohibited in the Tusket and Salmon rivers above Maple island.
12. Little river shall be kept open six feet wide clear of all walls; no obstruction shall be placed in this river which will prevent the free passage of fish and no net shall be set nearer to the foot of Lake Dunn than the mouth of Stewart's creek, so-called.
13. Eel brook shall be kept open nine feet wide, in the deepest water, during the year; no net to be set nearer to the foot or head of the falls of Eel brook than two hundred yards; all nets set in the said Eel brook and lakes thereto belonging to be set with the current, and not across it. No net or eel pot shall be set below the lower scooping place on Herring brook and within one hundred and twenty-five yards from the mouth of said brook in Eel lake. No fish shall be taken in any way or manner above the falls, or common scooping place of Herring brook, and no net shall be set in Duck lake and brook. All mill dams on said brook to Duck lake shall be and remain open from the first day of April until the first day of November unless provided with fishways to the satisfaction of the local Fishery Officer.
14. No net for taking smelts shall be set in Pubnico river above a straight line extending from Walter Larkin's wharf to the west point of Willet's Island. Hipson's brook shall be kept open six feet wide in the middle for gaspereau to freely ascend and descend.
15. In tidal waters no one shall use more than four nets, three for the purpose of taking gaspereau and one for taking salmon; the location and length of such nets shall be regulated by the Fishery Officer.
16. Except as herein otherwise provided, fishing by any means is prohibited in the canal of the Tusket power development plant running from the foot of lake Vaughan to the Highway bridge at the foot of Tusket falls and within fifty yards of the said bridge, also in that portion of the main Tusket river, between a point twenty-five yards below the Highway bridge at Hatfield's falls and the diversion dam.
17. Dip-netting for gaspereau for domestic use only shall be permissible in the non-tidal portion of the East Branch of the Tusket river from the foot of Long falls to Quinan and on the West Branch of the Tusket river at Reynardton falls by the people residing along these portions of these rivers, but such fishing shall be permissible on Monday, Tuesday and Wednesday only of each week during the legal fishing season.
18. In that portion of the main Tusket river from a point twenty-five yards below the Highway bridge at Hatfield's falls down river to what is known as Little Lake, angling for salmon may be permitted from Tuesday at sunrise to Friday at sunset of each week during the angling season.
19. Salmon net fishing in the tidal waters of Tusket river as defined in subsection 1 of this section shall be permissible from 6 a.m. Tuesday until 6 p.m. Friday only, of each week during the legal fishing season.

**Fisheries Act—continued**

20. When the Regional Supervisor finds that, due to low water, the salmon nets in the portion of the Tusket river that is above the Highway bridge at Tusket are unduly preventing the salmon from ascending, all salmon net fishing therein shall be forthwith prohibited and the Regional Supervisor shall so notify in writing the licensee of each net concerned.

21. In dip-net fishing for gaspereau in Salmon river, a tributary of the Tusket river, a portion of the river not less than ten feet wide, clear of all walls and other such obstructions, shall be left open.

22. In that portion of the Tusket river, down river from a point twenty-five yards below the main Highway bridge, gaspereau gill-net fishing is prohibited, from six o'clock on Friday afternoon of each week, until one o'clock on each Monday morning following, during the legal season for gaspereau gill-net fishing.

23. In that portion of the coastal waters of Yarmouth County between a line drawn southwest magnetic from Pinkney's point to a line drawn southwest magnetic from St. Ann's point at Lower West Pubnico no one shall fish for, catch or kill tuna, other than by angling or harpooning.

**Section 40—Yarmouth County (Argyle River)**

1. Each family may set one net and no more from Higgin's island to Campbell's falls; the length of such net to be not more than twenty-five fathoms.

2. The stream at the Old Mill place and public privilege on the main river shall be kept open in the deepest water to the width of six feet. All stones and obstructions shall be removed at the end of the fishing season.

3. The stream at the Guagus falls shall be kept open six feet clear of all obstructions, in the deepest water.

4. No gill-nets shall be set or used in the stream, from Campbell's falls to Guagus falls.

5. No nets shall be set or used within two hundred and fifty yards from the outlet of Randall lake, and within one hundred yards from the outlet of any other lake. All nets to be set in the direction of the current, and not otherwise.

6. The stream shall be kept open six feet clear of all obstructions to the passage of fish.

**Section 41—County of Digby**

1. No one shall build a weir in front of or unduly interfere with any other weir. In the case of weirs on privately owned flats, the general regulations as to the requirement of a licence or as to distance between weirs shall not apply.

2. The place and number of all weirs of fisheries on public grounds, in the County of Digby, shall be fixed by a Fishery Officer for said county, subject to the approval of the Regional Supervisor.

3. No weir, net or other contrivance, except weirs for catching eels, and smelt nets, shall be placed or set in any river in the County of Digby



**Fisheries Act—continued**

visited by salmon, nor nearer the mouth of any such river or stream than one-quarter of a mile; provided that in that portion of Salmon river below Lake Doucet gaspereau nets may be set during the time that gaspereau are ascending the river; but such nets must be removed immediately following the close of the gaspereau run. The local Fishery Officer shall decide when the run of gaspereau is over and his decision shall be final and conclusive. Notice of such decision shall be given by him in writing and shall be posted up in the local Post Office, and any net left in the river twenty-four hours after such notice has been posted shall be deemed to be there illegally.

4. No weir for catching eels shall be nearer to another weir than one-fourth of a mile.

5. No flume, eel-pot, box or other contrivance belonging to an eel-weir, shall be set with its mouth upstream in any river or branches thereof for the purpose of taking eels, if it is calculated to destroy young gaspereau from the first day of July until the tenth day of November.

6. Owners of land along any falls in any of the rivers in the County of Digby shall be allowed one stand for dipping gaspereau, to be selected by the owners and pointed out to the Fishery Officer, who shall determine what claims they are entitled to, and to hold the same as their fishing privilege.

7. When the width of any falls shall exceed twenty feet, any person, except the owner of a stand, may anchor a boat in said falls for the purpose of dipping gaspereau; provided that he does not interfere with the special privilege of owners of stands; and every boat so moored shall, after loading, make room and give place for others, by removing when requested to do so; and to prevent the intent of this clause from being defeated, no fish shall be salted in any such boat nor any fish shifted from one boat to another. When the river is less than twenty feet wide, no boat or craft of any kind shall be allowed to occupy any such public privilege in said river the second or any subsequent time until each man requesting the privilege shall have his turn.

8. Smelt bag-net fishing shall be permissible in the Sissiboo river from December first in each year to the tenth of March following.

9. The use of drag seines in the harbours or within one-quarter of a mile of any pier or wharf is prohibited.

**Section 42—County of Annapolis**

1. No angling is permitted in that portion of the Nictaux river between the Nictaux power house and Nixon's storage dam.

2. On privately owned flats, the general regulations as to the requirements of a licence or distance between weirs shall not apply.

3. All lobster traps shall be set so as not to interfere with herring nets, and at no less distance than sixty yards therefrom, or more, if necessary in the opinion of the local Fishery Officer for the district wherein such traps may be used.

4. The use of dip-nets for catching any kind of fish is prohibited in Round Hill and Paradise rivers.

**Fisheries Act—continued**

5. No one shall fish by any means within twenty-five yards down stream from a point marked at Trout Hole falls so called, in Round Hill river.

6. (a) No net fishing shall be permissible in the Nictaux river nor in that portion of the Annapolis river opposite to, or within two hundred yards of either side of the mouth of the Nictaux river.
- (b) Except as herein otherwise provided, salmon and shad net fishing shall be permissible in the Annapolis river on Monday and Tuesday only of each week during the fishing season.
- (c) The use of nets for salmon fishing shall be confined to tidal waters.

7. The use of dip-nets for catching shad at places in the non-tidal waters of the Annapolis river, and in the portion of the Nictaux river that is below Red Bank, that shall be specified in writing by the Regional Supervisor, shall be permissible from sunrise to ten o'clock p.m. on Monday and Tuesday of each week from May first to May thirty-first in each year both days inclusive.

**Section 43—County of Kings**

1. Fishing for gaspereau otherwise than with square-nets and dip-nets is prohibited in any part of the Gaspereau river above the Highway bridge on No. 1 Highway.

- (a) No square-net of a greater size than twelve feet square shall be used, and no square-net nor any of the fixtures connected therewith shall extend more than one-third of the distance across any river from the bank in a line at right angles to the current, nor for a distance up or down stream of more than thirty feet in a line parallel with the current.
- (b) No square-net shall be set, placed, used or maintained in any part of the Gaspereau river within one hundred feet of any island, sandbar or ledge of rock or within a like distance of any rock wall, brush wall or other obstruction unless such obstruction is first removed for a distance of one hundred feet, both up and down stream, from the location of the square-net, to permit an unobstructed flow of water for the free passage of fish at all times while the square-net or any of the fixtures connected therewith remains in the water.
- (c) Square-nets shall not be fished from sunset of each day until sunrise of the following days, nor from sunset on Friday of each week until sunrise on Monday following, provided that during these close times all square-nets must be removed from the water and that on or before June fifteenth of each year all square-nets and their fixtures shall be removed from the water.
- (d) The use of dip-nets for the capture of gaspereau shall be permissible from sunrise on each Monday morning until sunset each Friday night until June fifteenth inclusive in each year; provided that no dip-net having a bow or hoop of more than two feet in diameter may be used. No dip-net fishing shall be permitted within one hundred yards from any square-net or within one hundred and twenty-five yards below any dam erected across or partially across any river or stream.
- (e) Net fishing of any kind in any tributary of the Gaspereau river is prohibited and in the main river no nets excepting dip-nets shall

**Fisheries Act—continued**

be set or placed within two hundred yards from the location of any other net, nor within a like distance from any dam erected across or partially across the said river, nor within one hundred yards of the mouth of any tributary of the said river.

- (f) The use of any artificial light as a lure for taking any fish is prohibited.

**2. Salmon:**

- (a) Angling—On the Gaspereau river, salmon shall be allowed to be taken only by angling.
- (b) All salmon caught in square-nets, or in dip-nets must be liberated if alive.
- (c) No fishing of any kind shall be permissible within one hundred and twenty-five yards below the lower entrance to the fishway through the dam of the Power Company at White Rock in the Gaspereau river.

3. No seine or net shall be set, placed, drawn or used in any river or tributary of any river, except as provided in these regulations; but stake-nets may be set in the Cornwallis river below the highway bridge at Port Williams. Such stake-nets shall in no case be less than four hundred and forty yards distant from each other and the mesh shall not be less than five inches, and each net shall be legibly marked with the owner's name.

4. The use of dip-nets for catching shad at places in the non-tidal waters of the Annapolis river that shall be specified in writing by the Regional Supervisor shall be permissible from sunrise to ten o'clock p.m. on Monday and Tuesday of each week from May first to May thirty-first in each year, both days inclusive.

**3. Special Fishery Regulations for the Province of New Brunswick**

P.C. 5692

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of New Brunswick, established by Order in Council P.C. 5357 of 31st December, 1947, as amended, are hereby revoked; and

2. The annexed "Special Fishery Regulations for the Province of New Brunswick" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*



**Fisheries Act—continued**SPECIAL FISHERY REGULATIONS FOR THE  
PROVINCE OF NEW BRUNSWICK*Interpretation*

“angling” means the taking of fish with hook and line held in the hand, or hook and line and rod, the latter held in the hand, but does not include set lines or lines tied to a boat, or jigging.

“bag-net” means an apparatus that catches fish without enmeshing them, and consists of a bag, attached to stakes, that floats with the tide or current.

“box-net” means an apparatus that catches fish without enmeshing them, and that consists of a net made and set in the form of a box, with a trap into which the fish are guided by a leader.

“Chief Supervisor” means the Chief Supervisor of Fisheries of the Department of Fisheries for the Eastern Fisheries Division which comprises the Maritime Provinces.

“close season” means a specified period in which fish may not legally be taken.

“drag-seine” is a net weighted at the bottom and floated at the top, cast from a boat so as to enclose a space of water between it and the shore, and is then drawn towards shore.

“fishery guardian” means a guardian employed by authority of the Minister.

“fishery officer” means such officer having authority from the Department of Fisheries.

“fly fishing” means angling with an artificial fly or flies, which may be single or double hooked, attached to the line or to a leader that is attached to the line.

“gill-net” or “drift-net” means a net that catches fish by enmeshing them, but which does not enclose an area of water.

“grilse” means a young salmon.

“jigging” means fishing for, catching or killing a fish, with a hook or hooks manipulated in such a manner as to pierce and hook a fish in any part of the body other than the mouth.

“Minister” means the Minister of Fisheries.

“non-resident” means any person domiciled in the province for a period of less than six months.

“one day” means from two hours before sunrise to two hours after sunset.

“picking”, as applied to oysters, means the taking of oysters by hand without tools or implements.

“purse-seine” is a net weighted at the bottom and mounted with rings through which a line is run; also it is floated at the top and cast from a boat so as to enclose an area of water. It is then closed at the bottom by the aforesaid line through the rings, so as to form a purse or bag.

“Regional Supervisor” means Regional Supervisor of Fisheries for the Region concerned.

“sport fish” includes salmon, trout and bass.

**Fisheries Act—continued**

"trap-net", "anchored-net" or "stake-net" means an apparatus that is so set as to enclose an area of water, into which area fish are guided by a leader and find entrance through an opening or openings.

"trout" includes char, speckled trout, brown trout, Loch Leven trout, salmon trout, grey trout and ouananiche or landlocked salmon.

"weir" differs from a "trap-net" in that it is constructed of brush and twine or wire netting.

Section 1—*Bass*

1.(a) No one shall fish for or kill any striped bass, otherwise than by angling, from the first day of April to the thirtieth day of November, both dates inclusive; nor, otherwise than by angling, at any time in the waters of the Miramichi, Kouchibouguac, Tabusintac, Tracadie, or Richibucto Rivers or any of the tributaries of these rivers.

(b) No one shall buy, sell or have in his possession any striped bass, unless, the proof whereof shall be on him, the same as has been legally caught or killed.

2. Bass shall not be fished for, caught or killed by means of seines. The meshes of bass gill-nets shall not be less than five inches, extension measure, when in use.

3. No striped bass measuring less than twelve inches in length or no black bass measuring less than nine inches in length, measured from the tip of the nose to the end of the tail, whether caught by angling or otherwise, shall be retained. If any such bass under either of the aforesaid lengths be caught inadvertently it shall be immediately returned alive and uninjured to the water from which it was taken by the person catching it.

4. (a) No person shall fish for bass with a net or nets without a licence from the Minister.

(b) The fee for such licence shall be one dollar.

(c) All bass nets when set shall have attached thereto a wooden or metal tag with initials of the licensee and the number of his licence plainly marked thereon, which tag shall be readily visible at all stages of the tide.

5. In the Saint John river and its tributaries not more than one person in any one family shall be eligible for a licence.

6. All persons opening holes through the ice for the purpose of taking bass shall cause the same to be marked with four evergreen bushes, each six feet in height.

7. From the time of low water nearest six o'clock on Saturday afternoon, of each week, to the time of low water nearest six o'clock on Monday morning following, all bass nets shall be so raised or adapted as to permit of the free passage of fish through, by or out of the same.

8. No one shall fish for, catch or kill any small-mouthed or large-mouthed black bass from the first day of October in each year to the thirty-first day of March following, both days inclusive; provided that in Wheaton Lake, Charlotte County, no one shall fish for, catch or kill such fish from the first day of October in each year to the thirtieth day of June following, both days inclusive. In this lake no one shall, in one day, catch or retain more than six such bass.

**Fisheries Act—continued****Section 2—Certificates**

1. All packages of fish legally taken during the fishing season for such fish, and offered for shipment during the close season for catching such fish, shall be accompanied by a certificate from a Fishery Officer, or by a statutory declaration by the shipper certifying that such fish were legally taken or such certificate or declaration may be attached to the shipper's way-bill. Such certificate or declaration shall state the number of packages in the shipment, together with the name or names of the kind or kinds of fish contained in such shipment.

**Section 3—Clams**

1. For the purposes of this Section clams include:—Soft-shell, Long-neck or Squirt clams (*Mya Arenaria*); Bar clams (*Macrta Solidissima*), and Quahaugs (*Venus Mercenaria*).

2. No one shall, without lawful excuse, fish for, take, have in possession, or sell any soft shell clam (*Mya Arenaria*) less than two inches in length of shell measured in a straight line; nor any other clam less than two and one-quarter inches in length of shell measured in a straight line. Any such clam when taken shall forthwith be returned uninjured to the area from which it was taken; provided that soft shell clams of a smaller size than herein specified may be taken or had in possession for bait or local domestic use or taken, had in possession, or sold when taken from an overpopulated area so designated by the Minister.

3. In the fishing for or taking of soft-shell clams from any public bed only hand tools may be used.

4. The export of soft-shelled clams (*Mya Arenaria*) from the Province of New Brunswick to any place in or out of Canada, except in the shucked or canned state, is prohibited.

5. (a) No one shall fish for, take or kill quahaugs from the first day of November in each year to the thirty-first day of July following, both days inclusive, except in Kent County where it shall not be lawful to fish for, take or kill quahaugs from the first day of July in each year to the tenth day of May following, both days inclusive.
- (b) Fishing for quahaugs in bays, harbours and other waters where oysters are taken, shall be permitted only on areas set apart and marked out by the local Fishery Officers for the respective districts in which such fishing is prosecuted.
- (c) Fishing for quahaugs on Sunday is prohibited.

6. As the Department of National Health and Welfare has determined that the following areas are so contaminated as to make shell-fish taken therefrom unsafe for use as a raw food, no one shall fish for or take clams of any kind, at any time, except for use as bait in,—

- (a) That portion of St. Andrews harbour, Charlotte County, including Navy Island and the mainland shore from Joe's Point to the mouth of Kitty Cove; provided, nevertheless, that it shall be lawful to fish for and take clams for any purpose from the first day of October, in each year, to the thirtieth day of June next following, both days inclusive, in the portion of St. Andrews harbour that is between a line drawn from the western end of Navy Island to Joe's Point and a line drawn from the western end of Navy Island to the upper end of Western Block.



**Fisheries Act—continued**

- (b) That portion of Black river, Kent county, that is above or westwardly of the shore road bridge.
- (c) That portion of Richibucto river, Kent county, that is between a straight line across the said river from Jardine Point on the easterly side to a point opposite on the westerly side and a straight line across the said river between points on either side about one mile above Rexton bridge, each of which points shall be marked by the Fisheries Inspector for the district.
- (d) That portion of Shediac bay, Westmorland county, that is southwardly of a straight line across the said bay from Oyster Survey Monument No. 157 on the westerly shore thereof to Oyster Survey Monument No. 164 at the southerly end of Shediac Island, as well as in waters within four hundred feet of the wharf at Grandigue, Kent county, at the northerly end of the said bay.
- (e) Bathurst basin and harbour Gloucester county, westwardly of a straight line across the mouth of the said harbour from Alston point to Carron point.
- (f) Inside the two sand dunes at Millstream gully, Gloucester country.
- (g) The waters of Shippegan bay and harbour, Upper Shippegan bay and St. Simon inlet within four hundred feet of all wharves.
- (h) That portion of Lameque bay, Gloucester country, bounded on the north by an imaginary straight line running from the northerly end of Jean Marie bridge to a point one-half mile west magnetic and one-quarter mile north of the shore end of Lameque wharf, on the west by an imaginary straight line running one-half mile south magnetic from the above-mentioned point; and on the south by an imaginary straight line running from the southerly end of the western boundary to the northerly end of Red bridge, so-called, on Upper Lameque river, the extreme points of the westerly boundary of which will be marked by the Fishery Officer for the district.
- (i) That portion of Cocagne harbour and river, Kent county, that is westwardly of a straight line across the said harbour from the wharf on the point just south of Gueguen Brook to Jim Long's Cape, each of which points shall be marked by the Fisheries Inspector for the district.
- (j) That portion of Buctouche river, Kent county, including the south-west branch of the said river, that is between a straight line drawn across the said river from Indian point to Geddes point and the Mount Carmel road bridge.
- (k) Shediac river, Westmorland county, westwardly of a line across the mouth of the said river in a direction north-north-west from Poirier point.
- (l) Caraquet bay, Gloucester county, opposite the plant of Gorton Pew (N.B.) Ltd., within a radius of one-half mile of Young's wharf, so-called, also within a radius of one-half mile of the wharf of Caraquet Packers Ltd., and the areas within four hundred feet of all other wharves.

7. Except for use as bait, no one shall fish for or take any clams from the area at Maisonnnette Point, Gloucester county, described as follows:

**Fisheries Act—continued**

North and northwestward to highwater mark of a line drawn from a point at highwater mark at the southern end of Sandy point to the point of intersection of the western boundary of the Joe Cormier lane extended in a straight line with highwater mark on the beach.

**Section 4—Eel Fishing**

1. During the months of September, October and November in each year, no one shall fish for eels, with a spear or torch or other artificial light, in any waters frequented by salmon or trout; provided that this method of fishing for eels is prohibited at all times in non-tidal waters frequented by salmon or trout.

**Section 5—Explosives on Fishing Boats Illegal**

1. The presence of dynamite or other explosive on board any fishing boat, without the written permission of the local Fishery Officer, shall be deemed to be evidence of the killing of fish with explosive materials.

**Section 6—Gaspereau**

1. (a) No one shall fish for, catch or kill gaspereau in tidal waters with gill-nets, weirs and pound-nets, trap-nets or dip-nets from the twenty-sixth day of June in each year to the last day of February following, both days inclusive:

Provided that in the waters of the rivers in Gloucester, Northumberland and Kent counties, and the rivers in Westmorland county which are tributary to Northumberland strait, such fishing is prohibited from the first day of July in each year to the nineteenth day of May following, both days inclusive.

Provided further that in the Kennebecasis river, a tributary of the Saint John river, such fishing is prohibited from the twenty-sixth day of June in each year to the thirty-first day of December following, both days inclusive.

Provided also that in Saint John harbour such fishing is prohibited from the first day of October in each year to the last day of February following, both days inclusive, and from the twenty-sixth day of June in each year to the fourteenth day of August following, both days inclusive.

- (b) In the non-tidal waters of the Saint John and Miramichi river systems, fishing for gaspereau shall be permissible under the following conditions:
- (1) A special permit shall first be obtained from the Minister.
  - (2) Nets shall not exceed ten fathoms in length and the type of net and the method of operating it shall be subject to the approval of the Regional Supervisor.
  - (3) Each net shall have attached thereto a wooden or metal tag on which the number of the permit and the name of the permittee shall be plainly marked.
  - (4) The Regional Supervisor may permit such fishing at any time before the legal opening date of the season when in his opinion such fishing is not unduly harmful to any other fishery.

**Fisheries Act—continued**

2. It shall be unlawful to fish for, catch or kill gaspereau from the time of low water nearest six o'clock of Saturday afternoon of each week until the time of low water nearest six o'clock in the morning of the Monday following.

3. The mesh of nets used for catching gaspereau shall not be less than two inches nor more than three and one-half inches extension measure, when in use.

4. When in the opinion of the Regional Supervisor, gaspereau fishing in any area is unduly harmful to any other fishery therein, he may prohibit gaspereau fishing in such area.

*Section 7—Herring*

1. No net or nets for the capture of herring shall be set or used within one thousand feet of any weir that is then being operated.

2. Except from the first day of December in each year to the twenty-fifth day of April following, both days inclusive, fishing for herring in the manner known as "driving" with torches, flambeaux or other artificial lights is prohibited; provided that the Regional Supervisor may stop "driving" at any time prior to April twenty-fifth should weirs be placed in operation and they catch sufficient herring to reasonably supply the demand, and further provided that no "driving" shall be permissible within one thousand feet of a weir that is in operation.

3. No weir shall be built, set or used for the purpose of catching herring except under the authority of an annual licence from the Minister, and before a licence shall be granted the applicant therefor shall make a statutory declaration, setting forth the name or names of the actual owner or owners of such weir, or of the person or persons for whose benefits such weir is to be operated, as well as to the nationality of such owner or owners, or person or persons.

*Section 8—Lobsters*

(See Special Lobster Fishery Regulations)

*Section 9—Mussels*

As the Department of National Health and Welfare has determined there is a toxic condition existing in mussels in the Bay of Fundy Waters of the Province which makes them unsafe for use as a food, no one shall fish for, or take mussels in any of the waters of New Brunswick bordering on the Bay of Fundy, including the waters of the islands adjacent thereto and Grand Manan.

*Section 10—Non-Tidal Waters*

1. The use of nets in non-tidal waters, except under a permit from the Minister is prohibited.

2. Except as hereinafter provided, net fishing for salmon or shad in non-tidal waters is prohibited.

(a) Except as provided in paragraph (b) following, in the portion of the Saint John River that extends from the Head of the Tide to Grand Falls, and in the non-tidal waters of the southwest Miramichi River, shad fishing with dip-nets only shall be permissible



**Fisheries Act—continued**

under permit from the Regional Supervisor from sunrise to ten o'clock p.m. on Monday, Tuesday, Wednesday and Thursday, of each week from the first to the twenty-fifth day of June in each year, both days inclusive, but such fishing shall be restricted to places in these rivers that shall be specified in writing by the Regional Supervisor.

- (b) In the portion of the Saint John River known as Lower Basin, Grand Falls, it shall be lawful, between June first and June thirtieth in each year, both days inclusive, to fish for or catch shad, with drift-nets on Monday, Tuesday, Wednesday and Thursday of each week. Such fishing shall be restricted to areas specified by the Regional Supervisor.

3. From six of the clock in the afternoon of Friday in each week to six of the clock in the forenoon of each Monday following, it shall be unlawful to fish for, catch or kill shad.

4. The mesh of shad nets shall not be less than five inches, extension measure, when in use.

5. No shad gill-net shall exceed thirty fathoms in length, nor shall any such net extend more than one-third of the distance across the river, at the place where it is set. The number of nets in such waters shall be limited to one to each family.

**Section 11—Oysters**

1. No one shall fish for, catch or kill oysters on public beds except under licence from the Minister. The fee for such licence shall be fifty cents.

- 2 (a) Except as herein otherwise provided, it shall not be lawful to fish for, catch or kill oysters on the public beds from the first day of December in each year to the twenty-fourth day of September following, both days inclusive.

- (b) Except as herein otherwise provided, from the first day of June to the thirty-first day of August, both days inclusive, in each year, it shall not be lawful, except for the purpose of replanting, to fish for, catch, or kill oysters on leased areas.

3. (a) As the Department of National Health and Welfare has determined that the following areas are so contaminated as to make oysters taken therefrom unsafe to use as a raw food at any time of the year until they are purified, except as herein otherwise provided, no one shall fish for, or take oysters,—

- (1) In that portion of Buctouche River, Kent County, that is between a straight line across the said river due south from Sawmill Point (J. D. Irving's) and a straight line across the said river due west from the southeasterly end of the highway swing bridge, the shore points of which lines shall be marked by the Fisheries Inspector for the district.

- (2) In the portion of Black River, Kent County, that is above or westwardly of the shore road bridge.

- (3) In that portion of Richibucto River, Kent County, that is between a straight line across the said river from Jardine Point on the easterly side to a point opposite on the westerly side and a straight line across the said river between points

**Fisheries Act—continued**

on either side about one mile above Rexton bridge, each of which points shall be marked by the Fisheries Inspector for the District.

- (4) In that portion of Shediac Bay, Westmorland County, that is southwardly of a straight line across the said bay from Oyster Survey Monument No. 157 on the westerly shore thereof to Oyster Survey Monument No. 164 at the southerly end of Shediac Island, as well as in waters within four hundred feet of the wharf at Grandigue, Kent County, at the northerly end of said bay.
  - (5) In Bathurst Basin and Harbour, Gloucester County, westwardly of a straight line across the mouth of the said harbour from Alston Point to Carron Point.
  - (6) Caraquet bay, Gloucester County, opposite the plant of Gorton Pew (N.B.) Ltd., within a radius of one-half mile of Young's wharf, so-called, also within a radius of one-half mile of the wharf of Caraquet Packers Ltd., and the areas within four hundred feet of all other wharves.
  - (7) That portion of Lameque Bay, Gloucester County, bounded on the north by an imaginary straight line running from the northerly end of Jean Marie Bridge to a point one-half mile west magnetic and one-quarter mile north of the shore of Lameque wharf; on the west by an imaginary straight line running one-half mile south magnetic from the above mentioned point; and on the south by an imaginary straight line running from the southerly end of the western boundary to the northerly end of Red Bridge, so-called, on upper Lameque River, the extreme points of the westerly boundary of which will be marked by the Fishery Officer for the district.
  - (8) In the waters of Shippegan bay and harbour, Upper Shippegan bay and St. Simon inlet within four hundred feet of all wharves.
  - (9) In that portion of Tracadie lagoon north of a line drawn true west from Four Roads gully to the mainland.
  - (10) In those portions of Tracadie lagoon and Tracadie bay south of a line drawn true east from Old Wharf to the barrier island.
- (b) As the Department of National Health and Welfare has determined that the following areas are so contaminated as to make oysters taken therefrom unsafe for use as a raw food, except at certain specified seasons, it shall not be lawful to fish for or take oysters from April first in each year to February fourteenth next following, both days inclusive,—
- (1) That portion of Cocagne harbour and river, Kent County, that is westwardly of a straight line across the said harbour from the wharf on the point just south of Gueguen Brook to Jim Long's Cape each of which points shall be marked by the Fisheries Inspector for the district.
  - (2) In that portion of Buctouche River, Kent County, that is between a line across the said river due south from Priest Point and a line across the said river due south from Sawmill Point (J. D. Irving's), the shore points of which lines shall be marked by the Fisheries Inspector for the district.

**Fisheries Act—continued**

- (3) Except as herein otherwise provided, in that portion of Buctouche River, Kent County, that is between a line across the said river due west from the southerly end of the highway swing bridge, the shore points of which line shall be marked by the Fisheries Inspector for the district, and the Mount Carmel road bridge.
- (c) As the Department of National Health and Welfare has determined that the following areas are so contaminated as to make oysters taken therefrom unsafe for use as a raw food during open water in each year until November first, it shall not be lawful to fish for or take oysters from December first in each year to October thirty-first following, both days inclusive,—
  - (1) In that portion of Buctouche River, Kent County, that is between the Canadian National Railways bridge and the Mount Carmel Road bridge, provided that fishing may also be permitted in this area from February fifteenth to March thirty-first, both days inclusive.
  - (2) In Shediac River, Westmorland County, westwardly of a line across the mouth of the said river in a direction north-north-west from Poirier Point.
  - (3) In that portion of the Richibucto River, Kent County, that is between a straight line across the said river from Fagan Point to a point at the southerly entrance to the Northwest arm, and a straight line across the said river from Jardine Point on the easterly side to a point opposite on the westerly side, each of which points shall be marked by the Fisheries Inspector for the district.
- (d) It shall be lawful, under the following restrictions and conditions to fish for, take and remove oysters from any of the areas defined in paragraph (a) of this subsection—
  - (1) A special permit issued by authority of the Minister must be obtained.
  - (2) Such special permit shall convey to the authorized holder thereof the privilege of fishing for, taking, and removing oysters from the area specified therein, for the purpose of relaying them in pure water areas or of chlorinating them,
  - (3) Fishing for, taking, or removing oysters under such permit shall be restricted to the period from the first day of June to the fifteenth day of July, both days inclusive, in each year.
  - (4) Such pure water areas must be approved by the Minister, and the oysters must be transferred directly to such areas from the producing beds and remain on such areas for a minimum period of time specified by the Minister.
  - (5) Chlorinating must be done under conditions, and for a period of time approved by the Minister.
4. Fishing for oysters is prohibited on Sunday, and from sunset to sunrise on any other day of the week.
5. The Minister may, in any instance where he deems such necessary, prescribe the minimum distance from a live oyster bed up to which mud digging may be permitted, and no one shall dig for mud within such prescribed distance.



**Fisheries Act—continued**

6. The use, for taking oysters on public beds, of quahaug rakes, drags or tongs operated by purchase power or tongs or rakes other than the ordinary ones now in use in oyster fishing is prohibited; provided that in Northumberland county rakes only may be used on public beds.

7. Under a special permit, issued by authority of the Minister, unculled oysters may be picked from the first day of June to the twenty-fourth day of September in each year, both days inclusive, from an area or areas specified in such permit for the purpose of stocking leased oyster areas. The Regional Supervisor may, however, close any area or areas to the picking of oysters under this subsection if he is of opinion such picking is detrimental to the oyster fishery.

8. That portion of the Narrows at the back of Indian island, Richibucto Bay, extending from a line drawn across the Narrows at right angles from the cattle fence on the mainland shore near Gaspereau creek northwardly to a straight line drawn across the said Narrows at right angles from the Roman Catholic Church on the mainland shore, covering a linear distance of approximately four hundred yards, is set apart for the natural and artificial propagation of oysters.

9. (a) Except as herein otherwise provided, no one shall fish for, retain or kill any oyster of a less size than three and one-half inches measured in a straight line across the widest part of the shell.

(b) Oysters of any size may be taken and removed from any leased area for relaying, and such oysters may be taken to and relaid on any other area when such transfer is not otherwise prohibited by these regulations.

10. Single undersized oysters that are taken from public beds in fishing operations shall be immediately returned to the water; undersized oysters that are in clusters or attached to oysters of legal size may be brought to shore for separating and culling and shall then be immediately returned to the public areas from which they were taken in accordance with instructions from the local Fishery Officer.

11. Except with the authority of the Minister, no one shall place in the waters of the province any oysters that were taken outside the said waters.

**Section 12—*Pickarel***

Pickarel fishing through the ice by means of hook and line may be permitted under permit issued by authority of the Minister, in waters designated by the Regional Supervisor.

**Section 13—*Pollock***

1. No one shall fish for, catch or kill pollock by means of spears or grapnel or gaff hooks; provided that the use of a gaff in hook and line fishing is permissible.

2. The capture of young pollock, less than eighteen inches in length, measured from the point of the nose to the end of the tail, in herring weirs is prohibited, and all such young pollock that may be accidentally taken in such weirs shall be liberated therefrom alive and uninjured.

3. No one shall fish for or catch pollock with gill-nets having meshes less than five inches extension measure, when in use.

**Fisheries Act—continued**

4. From the time of low water nearest six o'clock in the afternoon of every Saturday, to the time of low water nearest six o'clock in the forenoon of every Monday, all pollock nets shall be so raised or adapted as to permit the free passage of fish through, by or out of the same.

5. The use of purse-seines having meshes of not less than two inches extension measure is permitted for the capture of pollock; provided that no such purse-seine operations shall be permissible within one mile of any weir, trap-net or other stationary fishing appliance operated under licence.

**Section 14—Prohibitions**

1. Angling through the ice in the non-tidal waters is prohibited except under a permit from the Minister.

2. The introduction of non-indigenous or non-native fish into the waters of the province except by special permission of the Minister is prohibited.

3. Angling is prohibited in non-tidal waters frequented by sport fish at all times when sport fishing by angling therein is illegal.

4. Angling for sport fish is prohibited from two hours after sunset to two hours before sunrise.

5. The jigging of any sport fish is prohibited.

6. Angling from all bridges crossing the Northwest and Southwest Miramichi rivers in the Counties of York and Northumberland, from the Morrissey bridge at Newcastle inclusive, westward to the York-Carleton line is prohibited.

7. In spearing for whitefish and/or gizzard fish in waters frequented by sport fish, the use of artificial light is prohibited.

8. The use of jigs or snares for taking coarse fish of any kind in waters frequented by sport fish is prohibited.

**Section 15—Mackerel and Herring**

1. Except as herein otherwise provided, the use of purse-seines is permitted for the capture of mackerel and herring; provided that no such purse-seine fishing operations shall be permissible within one mile of any weir, trap-net or other stationary fishing appliance operated under licence.

2. No one shall set or operate a purse-seine except under licence from the Minister. Before such licence will be granted, the applicant therefor shall make a statutory declaration setting forth the name or names of the actual owner or owners of the purse-seine and of the person or persons for whose benefit such purse-seine is to be operated, as well as the nationality of such owner or owners and person or persons.

3. No purse-seine used for the capture of herring shall be of greater length than one hundred fathoms, or of greater depth than one hundred feet at the ends, stretched measure in both cases, and shall not contain in the bunt or middle of the seine more than two thousand one hundred and sixty (2,160) meshes, measuring seven-eighths of an inch, or one thousand nine hundred and twenty (1,920) meshes, measuring one inch, or one thousand six hundred and eighty (1,680) meshes, measuring one and one-eighth inches.

**Fisheries Act—continued**

4. No herring purse-seine boat shall leave the shore or anchorage for the fishing grounds with a purse-seine of a greater dimension than is authorized by this Section.

Section 16—*Salmon*

1. No one shall fish for, catch or kill salmon otherwise than with gill-nets, drift-nets, trap-nets, pound-nets, weirs, or by angling.

2. (a) The mesh of salmon gill-nets or drift-nets and trap-nets shall not be less than five inches extension measure when in use.

(b) The mesh of dip-net used in removing salmon from a trap-net, pound-net or weir shall not be less than five inches, extension measure, when in use.

3. No one shall engage in salmon net fishing, nor shall any one leave any port or place in Canada to fish for, catch or kill salmon with a gill-net, drift-net, trap-net or pound-net, either inside or outside territorial waters adjacent to the province of New Brunswick, except under licence from the Minister.

4. The fee on such licence shall be one dollar.

5. In the Miramichi bay district and on the east coast of the province the following restrictions and conditions shall apply to salmon drift-net fishing:

(a) A salmon drift-net shall not exceed six hundred and seventy-five fathoms in length, and the depth or vertical breadth thereof shall not exceed thirty meshes; provided that a mackerel gill-net, not exceeding fifty fathoms in length, the meshes of which shall not exceed two and three-quarters inches, extension measure when in use, may be attached to a salmon drift-net for the purpose of catching mackerel.

(b) No salmon drift-boat shall leave the shore or anchorage with a greater length of drift-net than is authorized by the licence of the owner of the boat.

(c) A salmon drift-net licence may be granted only to a *bona fide* owner of a salmon drift-boat, who has actively engaged in the salmon drift-net fishing each fishing season during the five years immediately preceding his application for said licence; provided that in the case of an applicant for said licence, who has actively engaged in the salmon drift-net fishing during at least one season immediately previous to his enlistment for General Service in the Canadian Armed Forces, each year of such service shall be accepted as the equivalent of a year in salmon drift-net fishing.

(d) Before a salmon drift-net licence is granted, the applicant shall make a statutory declaration, setting forth that he is a *bona fide* owner of a salmon drift-boat and has actively engaged in the salmon drift-net fishery each fishing season during the previous five years, the registered number of the said boat, the name of the owner or owners of the net and the length of said net to be operated and the number of the fishing licence issued the previous year. Such declaration must be filed with the local fishery officer.



**Fisheries Act—continued**

6. Except as provided for in paragraph (d) of subsection 5 of this section, before any salmon net licence is granted, the owner or person interested in such net shall make a statutory declaration, setting forth, the name of the owner, the length of the net and its intended location, to be filed with the local Fishery Officer.

7. All salmon nets shall have the name of the owner or owners, and the number of the licence legibly marked, on tags of wood or metal. One tag shall be attached to each end of each net, and such tag shall be preserved on such nets during the fishing season, in such manner as to be visible without taking up the net or nets; and any net used without such tag shall be liable to forfeiture.

8. (a) Except as herein otherwise provided, no one shall fish for, catch or kill salmon with nets of any kind from August sixteenth in each year to May fourteenth following, both days inclusive.

(b) On the east coast of the province, no one shall leave the shore to fish for nor shall any one catch or kill salmon with drift-nets from twelve o'clock noon on August fifteenth in each year to twelve o'clock noon on June first following both days inclusive, nor from twelve o'clock noon on the second Monday in July to twelve o'clock noon on the fourth Monday in July both days inclusive; provided that when June first is a Sunday the fishing season shall begin at twelve o'clock noon on June second and end at twelve o'clock noon on August sixteenth.

(c) In the Miramichi river and bay, no one shall fish for, catch or kill salmon with nets of any kind from September first in each year to May fourteenth following, both days inclusive, nor from and including the first Monday to the third Monday in July in each year.

(d) In the Saint John river no one shall fish for, catch or kill salmon with nets of any kind from August sixteenth in each year to April thirtieth following, both days inclusive.

(e) In the Chignecto bay area and tributary waters, no one shall fish for, catch or kill salmon with nets of any kind from September first in each year to May thirty-first following, both days inclusive.

9. (a) The weekly close time for salmon net fishing, unless otherwise provided in these regulations, shall be from 8 a.m. Standard Time on each Saturday to 8 a.m. Standard Time on each Monday, except in Saint John Harbour, which for the purpose of this regulation, shall extend from the Reversible Falls to a straight line drawn from the Wireless Station, at Red Head, to the outside of Partridge Island, and hence to Negro Point breakwater, where the weekly close time for such fishing shall be from 8 p.m. Standard Time on each Saturday to 8 a.m. Standard Time on each Monday; provided that in the Counties of Gloucester, Northumberland, and Kent, the weekly close time for salmon trap-nets shall be from the time of low water nearest 8 a.m. Standard Time on each Saturday, to the time of low water nearest 8 a.m. Standard Time on the following Monday.

(b) During the weekly close time all salmon drift-nets shall be entirely removed from the water.

**Fisheries Act—continued**

- (c) In the case of a salmon stake-net at least ten feet of the portion of the leader that is immediately adjacent to each trap or pound on the net, shall be so raised and securely tied to the stakes as to be entirely above the high-water mark, or such portion, or portions, of the leader shall be entirely removed and taken ashore, during the weekly close time.
- (d) In the case of an anchored salmon net, except as herein otherwise provided, at least ten feet of the portion of the leader that is immediately adjacent to each trap or pound on the net, shall be raised and securely tied to the float-rope in such a manner that no part of this portion of the leader will be hanging down or such portion of the leader shall be entirely removed and taken ashore, during the weekly close time, and in either instance a red flag not less than twelve by eighteen inches in size attached to a float so that the flag will be at least two feet above the water, shall be placed in each opening in the leader. This flag shall be left in position until this portion of the leader is replaced.
- (e) Should weather conditions make it impracticable to adapt stationary nets during the weekly close time as provided for in this subsection, such nets shall be so adapted for a similar period during that week as soon as weather conditions become sufficiently favourable therefor.
- (f) The licensee of any net that is not so raised or adapted during the weekly close time will not be eligible for a renewal of his licence during the following year, saving moreover the penalties provided by law.

10. Fishing for and catching salmon by angling shall be permissible from May twenty-fourth to September thirtieth in each year, both days inclusive, provided that,—

- (a) In the tributaries of the Saint John river such fishing shall be permissible from May twenty-fourth to September fifteenth in each year, both days inclusive, except in the Kennebecasis and Nashwaak, where such fishing shall be permissible from May twenty-fourth to October fifteenth in each year, both days inclusive. In the Big Salmon river, St. John county, the Saint Croix, Magaguadavic and tributaries and in Cains river, a tributary of the South-west Miramichi river, and Jacquet river, such fishing shall be permissible from May twenty-fourth to October fifteenth in each year, both days inclusive. In the Tabusintac and Big Tracadie rivers such fishing shall be permissible from May twenty-fourth to October thirty-first in each year, both days inclusive.
- (b) In the Restigouche river and its tributaries such fishing shall be permissible from April first to August fifteenth in each year, both days inclusive, except that in the Upsalquitch and Quatawamkedgwick rivers and in their branches and in the portion of the Restigouche river in front of and above the mouth of the Quatawamkedgwick river such angling shall be permissible from May first to August thirty-first in each year, both days inclusive.
- (c) The Regional Supervisor may authorize, in writing, any person to fish for or kill salmon by angling on and after April first to the commencement of the open season for angling in each year; no

**Fisheries Act—continued**

person so authorized shall hook more than five nor retain more than one salmon in one day nor fail to immediately return any salmon, which has been hooked but is not retained, alive and uninjured to the waters from which it was taken.

- (d) The use of a gaff for landing salmon taken by angling previous to May twenty-fourth in each year is prohibited.

11. The number of salmon that may be taken in any one week by an angler shall not exceed thirty.

12. Angling for salmon shall be restricted to fly surface fishing and in such fishing the use of any bait or lure other than artificial flies is prohibited.

13. No person shall use a dam for the purpose of so regulating the retention or discharge of water as to facilitate the catching of salmon, either by suddenly closing or opening the dam, or in any other manner whatsoever.

14. (a) Except when taken by angling no salmon or grilse weighing less than five pounds, round weight, shall be retained or kept out of the water.

- (b) Except as otherwise provided in these regulations no "spent" salmon shall be retained or kept out of the water. If such "spent" salmon be caught inadvertently, it shall be returned alive and uninjured to the water from which it was taken by the person catching it.

15. The use of torches or other artificial lights in fishing for or catching salmon is prohibited.

16. The use of salmon drift-nets shall not be permissible in,—

- (a) Chaleur bay;

- (b) In the portion of the Miramichi bay westward of a straight line drawn from Escuminac breakwater to the lighthouse at the western end of Neguac island.

- (c) In the Saint John river or its expansions, above the Reversible Falls.

**Section 17—Scallops**

1. No one shall engage in scallop fishing nor shall any one leave any port or place in the province to fish for scallops, either inside or outside territorial waters, except under licence from the Minister of Fisheries. The fee on each such licence shall be one dollar.

2. No one shall fish for scallops from the first day of May to the thirtieth day of September in each year, both days inclusive in that portion of the Bay of Fundy that is between a line drawn from Cape Spencer, St. John County, N.B., to Delap Cove, Annapolis County, N.S., and a line drawn from the lighthouse at Cape St. Mary, Digby County, N.S., to the lighthouse at Western Head in the State of Maine. The total combined length of drags used by any scallop fishing boat in such scallop fishing shall not exceed eighteen feet.

3. Except in the Gulf of St. Lawrence and except for any scallop taken therefrom, no one shall without lawful excuse fish for, take, have in possession, or sell any scallop less than four inches in greatest diameter of shell; any such scallop when taken shall forthwith be returned uninjured to the bed from which it was taken.



**Fisheries Act—continued**

4. The meshes of scallop rake bags shall consist of wire or twine rings of not less than three inches inside diameter.
5. The waste portion of scallops shall not be thrown overboard from boats on the scallop fishing grounds.
6. "Floating" or "soaking" scallop meat in fresh water is prohibited.

Section 18—*Shad*

1. No one shall fish for shad with a net except under authority of a licence. The fee for such licence shall be one dollar.

2. In tidal waters shad fishing shall be permissible from the sixteenth day of May to the twentieth day of June, in each year, both days inclusive, provided that in the waters of Bay of Fundy and its tributaries fishing for shad shall be permissible from May first to October thirty-first in each year, both days inclusive; excepting in the Saint John river and its tidal tributary waters above the Reversible Falls where shad fishing shall be permissible from May ninth to June twentieth in each year, both days inclusive, and in Saint John Harbour below the Reversible Falls where such fishing shall be permissible from May first to June tenth and from August fifteenth until September thirtieth, both days inclusive; excepting the Chignecto Bay and its tributary waters where such fishing shall be permissible from May first to September thirtieth of each year, both days inclusive.

3. In the tidal waters of the Saint John river and its tributaries, no shad net shall exceed thirty fathoms in length, and in these waters not more than two nets shall be licensed in any one family; provided that if the Minister deem such necessary for the protection of the fishery he may require that not more than one net shall be licensed in any one family.

4. From the time of low water nearest six of the clock in the afternoon of Friday in each week to the time of low water nearest six of the clock in the forenoon of each Monday following it shall be unlawful to fish for, catch or kill shad except in the waters of Saint John Harbour, where it shall be unlawful to fish for, catch or kill shad from the time of low water nearest six of the clock in the afternoon of Saturday in each week to the time of low water nearest six of the clock in the forenoon of each Monday following; provided that after September first in each year there shall be no weekly close time.

5. The mesh of shad gill-nets or drift-nets shall not be less than five inches extension measure, when in use.

6. In the tidal waters of the Miramichi river, no gill-net shall exceed thirty fathoms in length, nor shall any such net extend more than one-third of the distance across the river, at the place at which it is set.

7. The use of seines for the catching of shad is prohibited.

8. All shad nets must have attached thereto a wood or metal tag on which the number of the licence and name of the licensee shall be plainly marked in such manner as to be readily examined by a Fishery Officer.

9. When in the opinion of the Regional Supervisor, shad fishing is unduly harmful to any other fishery, he may prohibit shad fishing operations at any time before the closing date specified in these regulations.

**Fisheries Act—continued**Section 19—*Smelts*

1. Fishing for smelts, otherwise than with gill-nets, bag-nets, box-nets, hook and line or spearing is prohibited.

2. (a) No one shall fish for smelts with a gill-net, bag-net or box-net except under licence from the Minister.

(b) The fee for a smelt gill-net licence shall be one dollar.

(c) The fee for either a smelt bag-net or box-net licence shall be one dollar.

3. (a) Smelt gill-nets shall have meshes of not less than one and one-quarter inches extension measure when in use.

(b) The meshes of smelt box-nets shall not be less than one and one-eighth inches extension measure when in use.

4. Except as herein otherwise provided, smelt gill-net fishing shall be permissible only from the fifteenth of October, in each year, to the fifteenth day of February following both days inclusive.

5. Except as herein otherwise provided, smelt bag-net and box-net fishing shall be permissible from the first day of December in each year, to the fifteenth day of February following both days inclusive.

6. From twelve o'clock midnight on Saturday of each week to twelve o'clock midnight on Sunday following, no fish shall be taken from any smelt bag-net or box-net, nor shall any one prepare to fish for smelts with bag-nets or box-nets by cutting holes in the ice, or placing stakes or rigging for such fishing, or by the actual setting of such nets; provided, however, that this prohibition shall be not so construed as to prevent work at nets during this period to free them from moving ice, or to keep pickets used in connection with such nets from being frozen to the ice.

7. Smelt bag-nets, box-nets or gill-nets shall not be set or used within fifty yards from each other across a river nor within one hundred yards of each other up and down a river, but the local Fishery Officer may in any instance require such greater distance between either nets across or up and down a river as he may consider necessary; provided that in Miramichi river and bay smelt bag-nets or box-nets shall not be set or used within one hundred yards from each other across the river or bay, or within two hundred yards of each other up and down the river or bay; provided further that the length of a leader of a smelt box-net shall be fixed by the local Fishery Officer, but in no case shall it exceed one hundred feet in length.

8. Smelt gill-nets, bag-nets or box-nets shall not be set in the spans of bridges, nor within one hundred yards of such spans.

9. No one shall fish for, catch, kill or sell smelts from the first day of March to the thirtieth day of June in each year, both days inclusive.

10. The mouths of smelt bag-nets used in that portion of the Miramichi river above a straight line drawn across the river from Oak Point wharf on the north side of the eastern boundary of Peter Loggie's property at Point au Car on the south side shall not be wider than thirty-three feet. The mouths of such nets used below the said line shall not be wider than one hundred feet.

**Fisheries Act—continued**

11. No one shall prepare to fish with bag-nets or box-nets by either cutting holes in the ice for, or in connection with fishing purposes, or by placing rigging of any kind for fishing, before eight o'clock in the morning of the day on which bag-net or box-net fishing may legally begin.

12. All persons opening holes through the ice for the purpose of taking smelts shall cause the same to be marked with four evergreen bushes at least six feet in height, when the holes are not in use.

13. When considered advisable, by the Fishery Officer for any smelt fishing district, he may specify the location of each net.

14. All smelt bag-nets, and box-nets when set, shall have a wood or metal tag so attached as to be plainly visible, and marked with the licence number and name of the licensee.

**Section 20—Sturgeon**

1. No one shall fish for sturgeon except under licence from the Minister. The fee for such licence shall be one dollar.

2. No one other than a British subject shall be eligible for a licence.

3. No one shall fish for, catch or kill any sturgeon from the first day of June to the first day of July in each year, both days inclusive.

4. The meshes of all nets used for catching sturgeon shall not be less than thirteen inches extension measure, when in use.

5. All sturgeon nets shall have attached thereto a wood or metal tag on which the number of the licence and the name of the licensee shall be legibly marked in such manner as to be readily examined by a Fishery Officer.

6. No sturgeon measuring under four feet in length shall be fished for, caught or killed, but if caught, shall be liberated alive. The measurement shall be made from the extreme point of the nose to the tip of the tail.

**Section 21—Tomcod**

Fishing for or taking tomcod with a smelt net for which a licence has been obtained, shall, during the smelt net fishing season only, be permissible; provided that licences may be issued by the Minister to authorize the operators of ranches of fur-bearing animals to use special trap-nets, at other seasons of the year, for the capture of tomcod for food for their animals. The fee on each such licence shall be one dollar.

**Section 22—Saint John Harbour—Licence Exception**

As the harbour of Saint John is owned by the city, any provision in these regulations that requires a licence to authorize fishing shall not apply to the harbour of Saint John so far only as the requirement of a licence is concerned.

**Section 23—Trap-nets or Pound-nets**

1. No seine shall be drawn nor any net set within two hundred and fifty yards of any trap-net or pound-net, nor shall any trap-net or pound-net be set or placed nearer to another trap-net or pound-net under licence than two hundred and fifty yards.



**Fisheries Act—continued**

2. Each trap-net or pound-net shall have a tag so attached as to be plainly visible bearing the name of the licensee and the number of his licence. Any such net not so marked shall be subject to seizure and confiscation.

3. The distance to obtain between trap-nets or pound-nets shall be measured from the trap-net or pound-net twine nearest the next adjoining trap-net or pound-net twine.

4. No trap-net or pound-net shall be operated except under licence. Except as herein otherwise provided the fee on such licence shall be one dollar; provided further that there shall be no fee on a licence for such net that is used for gaspereau fishing only.

5. Should the Regional Supervisor find that the operation of any trap-net is unduly harmful to any fishery he may prohibit the operation of that trap-net at any time.

**Section 24—Trout and Landlocked Salmon**

1. Except as herein otherwise provided, no one shall fish for, catch or kill trout of any kind or landlocked salmon from the first day of October in each year, to the thirty-first day of March following, both days inclusive.

2. No one shall at any time fish for, catch or kill trout by other means than angling. Jigging for trout is strictly prohibited.

3. Fishing for trout of any kind, or for landlocked salmon through the ice is prohibited.

4. Except in Loch Lomond, Saint John county, no one shall fish for, catch or kill, in any of the waters of the province in one day by angling, or shall carry away a greater number of trout than in the aggregate shall weigh more than ten pounds, plus one trout, and no greater number than twenty trout, though the said number weigh less than ten pounds.

5. No one shall fish for, catch or kill in Loch Lomond, Saint John county, in one day, by angling, or shall carry away a greater number of brown or eastern speckled trout than twelve in the aggregate.

6. (a) No one shall receive, ship, transport, or have in possession for the purpose of shipping or transporting out of the Dominion of Canada any trout; provided that any person may so ship such trout caught by him for sport, to the extent of twenty-five pounds in weight, if the shipment is accompanied by a certificate to that effect from either the local Fishery Officer in whose district the fish were caught or from the local station agent adjacent to the locality in which they were caught, or is accompanied by a copy of the official licence or permit issued to the person making the shipment.

(b) No single package of such trout shall exceed twenty-five pounds in weight, nor shall any person be permitted to ship more than one package during the season.

7. The use of a torch or other artificial light in fishing for or catching trout is prohibited.

**Fisheries Act—continued**

8. Nothing in this section shall apply to the breeding or rearing of trout of any kind by private enterprise for commercial purposes, but no one shall engage in the breeding or rearing of trout for commercial purposes, except under permit from the Minister and under rules that may be prescribed by the Minister.

9. In the Restigouche river fishing for trout shall be permissible until October fifteenth inclusive, in each year.

**Section 25—Weirs**

1. The distance laterally along the shore between weirs shall not be less than one thousand feet.

2. No herring or other weir shall be operated except under licence from the Minister, the fee of which shall be one dollar.

**Section 26—Seines**

No herring seines shall be set or operated except under licence from the Minister.

**Section 27—Whitefish—Baker Lake**

1. No one shall fish for, catch or kill whitefish in Baker lake otherwise than with gill-nets.

2. The length of a gill-net for the taking of whitefish shall not exceed thirty-five fathoms and the mesh thereof shall not be less than three inches extension measure. The depth of such net shall not be more than six feet.

3. No one shall fish for, catch or kill whitefish in Baker lake except under licence from the Minister. The fee on such licence shall be one dollar.

4. Every whitefish gill-net shall have the name of the licensee and the number of the licence legibly marked on a piece of wood or metal, which shall be attached to one end of the net.

5. No one shall fish for, catch or kill whitefish from the first day of October in each year to the fourteenth day of May following, both days inclusive.

6. The use of nets for the capture of fish other than whitefish shall not be permitted.

7. Whitefish gill-nets shall be so set that the cork-lines thereof shall remain floating on the surface of the water, or the same to be marked by a buoy.

8. The use of gill-nets shall be permitted only from six o'clock Tuesday morning to noon on Friday of each week, during the lawful fishing season.

9. Only permanent residents owning or renting land fronting Baker lake shall be eligible for licences and then only one person in each family shall be so eligible.

10. Nets shall not be set or operated in water that is less than eight feet deep, nor shall any net be set nearer to another than fifty fathoms.

11. Should trout be unavoidably caught in a whitefish gill-net, they shall be liberated alive and uninjured in the waters from which they were taken.

**Fisheries Act**—*continued*

## COUNTY FISHERY REGULATIONS

Section 28—*County of Charlotte**Herring Fishing*

1. No weir shall be set or placed on either side of Cow passage or Cheney's passage, in the island of Grand Manan, without leaving a continuous clear passage or channel of the width of five hundred feet, following the deepest water of the same; and no wing belonging to or used therewith, or attached to any such weir shall extend beyond or into channels of the said passage, or either of them, so as to diminish the said width of five hundred feet.

2. In no case shall weirs be placed nearer each other than one thousand feet, measured in a straight line laterally along the shore between the weirs.

3. The Fishery Officers for the county, or any of them, as the case may be are authorized and required, in the event of a violation of either of these regulations, in addition to the penalties imposed when it is thought necessary by the said Officers in their respective districts, to destroy the said weirs, or wings belonging to them, or used therewith or attached to them, or each or any of them, or such portions thereof as the said Officers in their respective districts may deem necessary.

4. No one shall fish for, catch, or kill herring by means of seines within three miles of the shore excepting from December first in each year to April twenty-fifth next following, both days inclusive; provided, notwithstanding, that the Regional Supervisor may prohibit or prevent seining at any time or in any locality when, in his opinion, any weir or weirs in operation catch sufficient herring to supply the demand; and further provided, however, that seining shall not be permissible at any time in the waters of the Passamaquoddy bay or in the waters about Deer Island or within one thousand feet of a weir in operation.

5. In the waters of Chamcook and Gibson Lakes,

- (a) No one shall fish for, catch or kill landlock salmon from September sixteenth in each year to March thirty-first following, both days inclusive.
- (b) No one shall fish for or retain any landlock salmon that is less than fourteen inches in length. Any such fish that may be inadvertently taken shall be returned alive and uninjured to the waters from which it was taken.
- (c) No one shall fish for or take more than ten landlocked salmon in any one year.

6. Fishing for scallops in the waters of Charlotte county is prohibited from sunset on each Saturday to sunrise on the following Monday.

7. In the waters of lake Utopia, Charlotte county, no one shall fish for, catch or kill trout of any kind after September fifteenth in each year.

8. In that portion of Clarence Stream, Charlotte County, from Digdequash Lake to Nodin's Mill, no one shall fish for, catch or kill trout of any kind after September twentieth in each year.

9. Smelt gill-net fishing shall be permissible from the first day of September in each year to the fifteenth day of April following, both days inclusive.



**Fisheries Act—continued**

10. The following area is set apart for scientific investigations by the Fisheries Research Board and no digging or taking clams for other purposes shall be permissible therein:

The portion of the shore between high and low-water mark that is between Joe's Point and Brandy Cove, on the east side of the St. Croix River, which area is adjacent to the property of the Atlantic Biological Station.

*Section 29—County of Restigouche*

1. The extent, position and usage of salmon nets set from middle grounds or islands in the Restigouche river, below Campbellton, shall be determined by the local Fishery Officers, in such manner as not to unduly interfere with or impede the movement of salmon.

2. No one shall fish for salmon by angling from nine o'clock in the evening of every Saturday to six o'clock in the morning of every Monday.

3. The weekly close time for salmon net fishing shall be from the time of low water nearest 8 p.m. Standard Time on each Saturday to the time of low water, nearest 8 a.m. on the following Monday, when all salmon nets shall be raised or adapted as provided for in subsection 9 of section 16 of these Regulations.

4. No fishing stand in any of the bays, coves and harbours, at and between Bontroming's rocks and the eastern boundary line of the county of Restigouche shall exceed two hundred fathoms of bar-net, nor have side-nets of greater length than twenty fathoms.

5. Salmon net fishing shall not be permissible in the Restigouche river above a straight line drawn from the Ferry wharf at Campbellton, New Brunswick, to Point Bouleau, Quebec.

6. No smelt net of any kind shall be set in that part of the Restigouche river west of Dalhousie that is between Cook's Crossing and McNeish's, which is locally known as "Frog Pond".

*Section 30—County of Gloucester*

1. No net whatever shall be set, nor any seine or drift-net used in any way to impede or obstruct the free passage of fish into the Grand lake, so-called at Shippigan Island.

2. (a) No one shall set a net or use a seine in the Little Tracadie River nor in the South River of Pokemouche within one hundred yards of any bridge.

(b) No one shall use a smelt bag-net, box-net, or gill-net in the Big Tracadie River upstream from Pont de France bridge.

3. All nets shall be set from the shore or edge of the channel towards the thread of the river, and none shall be set upon any middle ground.

4. When any fish weir, trap or other stationary device shall be erected contrary to any regulation, it shall be the duty of the Fishery Officer to pull down and demolish such weir, trap or other stationary device.

5. No fishing other than by angling shall be permissible in Tetagouche, Middle, Little, Bass or Nepisquit rivers, and no salmon net fishing shall be permissible in Bathurst harbour or in Nepisquit bay above a straight line

**Fisheries Act—continued**

drawn from a point just above the salmon fishing stand now occupied by Mrs. David and George Ronalds, which is approximately two rods east of the easterly line of the property now owned by Mr. Frederick K. Ronalds, to a point on the opposite side of the bay just above the salmon fishing stand now occupied by Mr. James J. DeGrace, which is approximately six hundred yards southeasterly of the most southerly salmon fishing stand now occupied by Mr. Sidney DesBrisay and off what is now known as the Gagnion property.

6. No net with the exception of smelt bag-nets or box-nets shall be set within the harbour of Bathurst, or on any middle ground, flat or channel between the forks of the Big River channel and Allston and Caron points, or within fifty fathoms on either side of the Big River Bridge.

7. On that portion of the coast of Gloucester County extending from Belledune River to Caron Point, inclusive, no one shall fish for, catch or kill salmon with nets of any kind from July twenty-first in each year to May fourteenth following, both days inclusive. On this portion of the coast the provisions of subsection 9 of section 16 of these regulations respecting weekly close time shall not apply.

*Gaspereau Fishing*

8. All nets for the catching of gaspereau in the rivers of Pokemouche and Tracadie and their several branches, shall be set with the stream up and down the river, and not at an angle with the stream.

9. In the river Pokemouche no nets for the catching of gaspereau shall be set from Etienne Arsenau's shore to river's shore so as to impede the free course of fish going up the South river.

10. Bass or gaspereau shall not be taken in the river of Caraquet, or in Saint Simon's inlet, by seining; and no seine shall be used for the catching of bass or gaspereau in the said river or inlet.

*Herring Fishing*

11. Between the first day of July and the first day of November in each and every year, no net for the catching of herring, or any other fish, shall be moored or anchored on any bank or shore, or any part of any bank or shore, in the Bay Chaleur, situated between Missonette point and point Miscou. All nets used upon these banks or any part of them, shall be fastened to boats or other craft, and not otherwise.

*Smelt Fishing*

12. Smelt gill-net fishing shall be permissible in the County of Gloucester only from the fifteenth day of September in each year to the fifteenth day of February following, both days inclusive.

*Lobster Fishing*

13. Spars and buoys used on lobster fishing gear that is set in waters where salmon drift-net fishing is carried on, shall be of smooth material without any rough surfaces or projections which might entangle salmon drift-nets when passing over them.

**Fisheries Act—continued**

*Section 31—County of Northumberland*

1. No person shall, under any pretence whatsoever, build, make or set up or make use of in the bay, harbour or river Miramichi, or any of its branches or in any other river within the said districts, any brush or wooden weir or trap for the purpose of taking any kind of fish.

2. (a) The use of nets in tidal waters for catching pickerel, suckers, chub, perch and other coarse fish, except under permit, issued by authority of the Minister, is prohibited.

(b) All such nets when set shall have attached thereto a wooden or metal tag plainly marked with the number of the permit and the name of the permittee, which tag shall be plainly visible at all stages of the tide.

3. Unless otherwise specified in the licence, the leaders of all salmon nets shall be set to start at low water mark, and the total length of leader authorized shall be measured from the picket nearest the shore to the mouth of the outer trap and shall include the distance across all intervening trap or traps. In the case of anchored nets the leader shall be measured in the same way but from the point nearest the shore.

4. Net fishing for herring is prohibited within three-quarters of a mile to the westward of Lower Neguac gully and extending down three-quarters of a mile to the eastward of Lower Neguac gully, nor within three-quarters of a mile from the shore within these points. No person shall be allowed to set any nets in Neguac bay within twenty fathoms of any other net set for the taking of herring in Neguac bay.

5. No one shall fish for, catch or kill smelts with gill-nets from the sixteenth day of February in each year, to the thirtieth day of November following, both days inclusive.

6. Net fishing for smelts or tomeod in that portion of the Miramichi river or its tributaries, that is west of the Morrissey bridge, is prohibited.

7. Spars and buoys used on lobster fishing gear that is set east of a straight line drawn from Escuminac breakwater to the light-house at the western end of Neguac island shall be of smooth material without any rough surfaces or projections which might entangle salmon drift-nets passing over them.

*Section 32—County of Kent*

Smelt gill-net fishing is prohibited in Kouchibouguac bay eastward of a straight line drawn from Fountain creek southerly to Kelly's point; in Richibucto river and its tributaries westward of Rexton Highway Bridge; and in the portion of Buctouche bay westward of a straight line drawn from Indian point, southerly to Gaddy's point and including Black, Buctouche, and Little rivers.

*Section 33—County of Westmorland*

1. Smelt gill-net, bag-net and box-net fishing shall be permissible on and along that portion of the Coast, including the tidal tributary waters, from the Nova Scotia boundary to a line drawn from the Kent-Westmorland County boundary, to the northern point of Shediac Island, thence seaward, from the thirty-first day of October in each year, to the thirty-first day of January following, both days inclusive.



**Fisheries Act**—*continued*

2. Dip-net fishing for smelts for local domestic use but not for sale or barter shall be permissible in the waters of the Petitcodiac river and its tributaries from the first day of May to the fifteenth day of June, in each year, both days inclusive.

Section 34 — *Counties of Saint John, King's, Queen's, Sunbury, York, Carleton and Victoria*

1. Except in that portion of the river Saint John extending from the city of Saint John to the mouth of Belle Isle bay, no net shall exceed thirty fathoms in length and sixty meshes in depth, nor extend more than thirty fathoms into any river, cove or creek, nor more than one-fourth part of the width of the water between the shore on either side of such river, cove or creek, and any island or sand bar in such river, cove or creek.

2. The width of all such rivers, coves or creeks, where there are any islands or sand bars shall be computed from the opposite shore to the island or sand bar to where the waters surrounding the said island or bars are three feet deep.

3. In case of shallow rivers, where the water is not three feet deep or more, no net or other encumbrance shall extend more than one-fourth of the width of the river or stream, such width to be computed from the one shore of such river or stream to the opposite shore.

4. Each weir used for fishing purposes within the limits of the harbour of Saint John shall be provided with a fish-escape of such pattern as may be approved by the Minister.

5. The tidal boundary of the Saint John river is hereby defined as at a line drawn from Crock's point or Lunt's ferry to the opposite shore.

6. Canadian waters of Chiputneticook lakes,—

(a) Except as herein otherwise provided, no one shall fish in these waters from October first inclusive in each year, until the ice leaves the lakes in the following year.

(b) (1) No one shall fish in the thoroughfares or waters connecting the different lakes from September sixteenth in each year to to May eighteenth following, both days inclusive.

(2) No one shall fish in the aforesaid thoroughfares except by means of fly surface fishing.

(c) Except in Grand Lake, fishing by hook and line through the ice for domestic purposes only shall be permissible but only under the following conditions,—

(1) That a permit issued by authority of the Minister be procured.

(2) That such fishing be restricted to the months of February, March and April.

(3) That no fishing be permitted from one hour after sunset each day to one hour before sunrise the following day.

(4) That each permit shall cover the use of not more than five lines with not more than one hook attached to each line.

**Fisheries Act—continued**

- (5) That fishing under such permit shall be carried on by the permittee only.
- (6) That not more than one person in any one family shall be eligible for a permit.
- (d) Fishing for whitefish with gill-nets for domestic use only shall be permissible in Grand lake, but only under the following conditions,—
  - (1) That a permit issued by authority of the Minister be procured.
  - (2) That such fishing be confined to the month of November.
  - (3) That the length of each net shall not exceed fifteen fathoms and the mesh thereof shall not exceed two and one-half inches extension measure when in use.
  - (4) That nets shall be placed at distances of not less than one hundred yards apart.
  - (5) That each net shall be legibly marked by a tag or float attached thereto with the full name of the permittee thereon and the number of the permit, and that the position of each net be marked by a buoy.
  - (6) That no net shall be set or fished within one-half mile above the dam at Forest City.
- (e) No one shall fish for or retain any trout that is less than seven inches in length; any landlocked salmon or any togue that is less than fourteen inches in length; any black bass that is less than ten inches in length; nor any white perch that is less than six inches in length, the method of measurement in each case being from the end of the nose to the end of the tail.
7. (a) The use of nets in tidal waters for catching pickerel, suckers, chub, perch, and other coarse fish, except under permit issued by authority of the Minister, is prohibited.
- (b) All such nets shall have attached thereto a wooden or metal tag plainly marked with the number of the permit and the name of the permittee, which tag shall be plainly visible at all stages of the water.
8. In the waters of Little Magaguadavic Lake in the County of York no one shall fish for, catch or kill trout of any kind or landlocked salmon from September sixteenth in each year to May twenty-third following, both days inclusive.
9. In the County of Saint John smelt gill-net fishing shall be permissible from the first day of September in each year to the fifteenth day of April following, both days inclusive.
10. In the County of Saint John fishing for trout in the lakes located in Rockwood Park shall be permissible from May twenty-fourth until September fifteenth in each year, both days inclusive, and the number of trout that may be taken in any one day shall not exceed six.
11. In the Jemseg River, Queen's County, and in the Raft Channel, (so called) running from Jemseg River to the Saint John River, no nets of any kind shall be set for the taking of any kind of fish.

**Fisheries Act—continued****4. Special Fishery Regulations for the Province of Prince Edward Island**

P.C. 5690

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of Prince Edward Island, established by Order in Council P.C. 5359 of 31st December, 1947, as amended, are hereby revoked; and

2. The annexed "Special Fishery Regulations for the Province of Prince Edward Island" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

SPECIAL FISHERIES REGULATIONS FOR THE PROVINCE OF  
PRINCE EDWARD ISLAND

**Section 1—*Interpretation***

"angling" means fishing or attempting to fish with a hook and line held in the hand, or with a hook and line and rod, the latter held in the hand, but does not include set-lines or lines fastened to a boat.

"bag-net" means an apparatus that catches fish without enmeshing them; it consists of a bag attached to stakes, and floats with the tide or current.

"box-net" means an apparatus that catches fish without enmeshing them; it consists of a net made and set in the form of a box, with a trap into which the fish are guided by a leader.

"close season" means a specified period in which fish may not legally be taken.

"fishery guardian" means a guardian appointed by the Minister.

"fishery officer" means a Fishery Officer appointed under the Fisheries Act, 1932.

"fly surface fishing" means angling with an artificial fly or flies, which may be single or double hooked, attached to the line or to a leader that is attached to the line.



**Fisheries Act—continued**

“gill-net” means a net that catches fish by enmeshing them, but which does not enclose an area of water.

“grilse” means a young salmon.

“jigging” means fishing for, catching or killing a fish with a hook or hooks manipulated so as to pierce and hook a fish in any part of the body other than the mouth.

“Minister” means the Minister of Fisheries.

“picking”, as applied to oysters, means the taking of oysters by hand without tools or implements.

“purse-seine” means a net weighted at the bottom and mounted with rings through which a line is run; also it is floated at the top and cast from a boat so as to enclose an area of water; and it is then closed at the bottom by the aforesaid line through the rings so as to form a purse or bag.

“regional supervisor” means the Regional Supervisor of Fisheries for Prince Edward Island.

“sport fish” includes salmon, trout and bass.

“trap-net” means an apparatus that is so set as to enclose an area of water, into which area fish are guided by a leader and find entrance through an opening or openings.

“weir” differs from a “trap-net” in that it is constructed of brush and twine or wire-netting.

**Section 2—Angling**

In angling no one shall use more than one fishing line, and such line shall not be provided with more than three separate hooks, provided that in fly surface fishing double hooked flies may be used.

**Section 3—Bait**

The Minister may authorize the issue of special permits to take bait for the *bona fide* purpose of deepsea fishing, for any specified time during the weekly close time.

**Section 4—Certificates**

All packages of fish legally taken during the legal fishing season for such fish, and offered for shipment during the close season for catching such fish, shall either be accompanied by a certificate from a Fishery Officer, or by a statutory declaration by the shipper certifying that such fish were legally taken, or such certificate may be attached to the shipper's way-bill. This certificate shall state the number of packages in the shipment together with the name or names of the kind or kinds of fish contained in such shipment.

**Section 5—Eel Fishing**

No one shall, during the months of September, October, and November in each year, fish for eels with a spear and torch or other artificial light, in any waters frequented by salmon or trout.

**Section 6—Explosives on Fishing Boats Illegal**

The presence of dynamite or other explosive on board any fishing boat without the written permission of the local Fishery Officer shall be deemed to be evidence of the killing of fish with explosive materials.

**Fisheries Act—continued****Section 7—Gaspereau**

1. Gaspereau gill-net fishing shall be permissible, but under the following conditions only:

- (a) That a special permit, issued by authority of the Minister, be obtained.
- (b) Such fishing shall be restricted to the period from June first to July fifteenth in each year, both days inclusive.
- (c) Nets shall be set up and down stream only.
- (d) Such fishing shall be permissible in the mouths of rivers or streams, which mouths shall be defined by the Fisheries Inspector for the district.
- (e) Such fishing shall not be permissible in Pointe de Roche, Blooming Point or other similar so-called ponds, or in the channels connecting them with the coastal waters, provided that if there is a scarcity of bait by the local commercial hook and line or lobster fishermen, such amount of net fishing in these waters as will meet the afore-said bait needs may be permitted under written authority from the Regional Supervisor.

2. When, in the opinion of the Regional Supervisor, gaspereau fishing is unduly harmful to any other fishery, he shall order gaspereau fishing to cease, and it shall then be illegal.

**Section 8—Herring**

1. No seines shall be drawn or any nets set within six hundred feet of any weir or trap-net.

2. Fishing for herring in the manner known as "driving" with torches, flambeaux or other artificial light is prohibited.

**Section 9—Lobsters**

(See Lobster Fishery Regulations)

**Section 10—Mackerel and Herring**

The use of purse-seines is permitted for the capture of mackerel and herring; provided that no such purse-seine fishing operations shall be permissible within one mile of any weir, trap-net or other stationary fishing appliance operated under licence.

**Section 11—Non-Tidal Waters**

The use of nets in non-tidal waters is prohibited.

**Section 12—Oysters**

- 1. (a) No one shall fish for, catch or kill oysters on public beds except under licence from the Minister. The fee on such licence shall be fifty cents.
- (b) No portion of Malpeque or Richmond bay, including The Narrows and tributaries thereto between this bay and Cascumpeque bay, Brackley bay and Covehead bay, or their tributaries shall be deemed to be a public bed, and no public oyster fishing shall be permissible in any part thereof.

**Fisheries Act—continued**

- (c) No portion of Foxley River or its tributaries shall be deemed to be a public oyster bed and no public oyster fishing shall be permissible in any part thereof, excepting that portion of Trout River and its tributaries in the Cascumpeque area, i.e., above or westerly of Goff's Bridge.
  - (d) No portions of Alexandra and Pownal Bays that are northerly of a straight line joining Squaw Point, which marks the western boundary of Alexandra Bay, and Gallows Point, which marks the eastern boundary of Pownal Bay, shall be deemed to be a public fishing bed, and no public oyster fishing shall be permissible in any part thereof.
2. (a) Except as herein otherwise provided, it shall not be lawful to fish for, catch or kill oysters on public beds from November twenty-sixth in each year, to September thirtieth following, both days inclusive.
- (b) From June first in each year to August fifteenth following, both days inclusive, it shall not be lawful, except for purposes of replanting, to fish for, catch or kill oysters on leased areas.
3. Except with the authority of the Minister, no one shall place in the waters of the province any oysters that were taken outside the said waters.
4. Fishing for oysters is prohibited on Sunday, and from sunset to sunrise on any other day of the week.
5. (a) The Minister may, in any instance where he deems such necessary, prescribe the minimum distance from a live oyster bed up to which mud digging may be permitted, and no one shall dig mud within such prescribed distance.
- (b) No one shall dig mud in that portion of Bedeque Bay which lies south and east of a straight line drawn from the northeast corner of Cole's Wharf to the southernmost tip of Oyster Point.
- (c) No one shall dig mud in Malpeque Bay or its tributaries, except under a permit issued by authority of the Minister; such digging shall be confined to areas set aside for that purpose by authority of the Minister.
6. The use, for taking oysters on public oyster beds, of quahaug rakes, drags or tongs operated by purchase power, or tongs or rakes other than the ordinary ones now in use in oyster fishing is prohibited.
7. (a) As the Department of National Health and Welfare has determined that the following areas are so contaminated as to make oysters taken therefrom unsafe to use as a raw food until they are purified, except as hereinafter provided, no one shall fish for or take oysters,—
- (1) In that portion of Kildare River, Prince County, that is above or northwardly of the southerly boundary line of T-3 and U-3, in accordance with the Plan showing Oyster Leases in Cascumpeque Harbour.
  - (2) In that portion of Cascumpeque Harbour, Prince County, including T-15-16, U-14-15-16, and V-14-15-16, in accordance with the Plan showing Oyster Leases in Cascumpeque Harbour.



**Fisheries Act**—*continued*

- (3) In that portion of Dock River, including Alberton Creek, Prince County, that is above or northwardly of the division line between S-17 and S-18, in accordance with the Plan showing Oyster Leases in Cascumpeque Harbour.
- (4) In that portion of Mill River, Prince County, that is above or westwardly of a line across the said river due south from the point at the upstream or westerly entrance of Long Creek.
- (5) In that portion of Oyster Creek, Prince County, that is above or westwardly of the easterly boundary line of Section H in Division 328, in accordance with the Plan showing Oyster Leases in Foxley River.
- (6) In that portion of Trout River, Prince County, that is above or westwardly of a line drawn across the said river due north from Oyster Survey Monument No. 175, in accordance with the Plan showing Oyster Leases in Foxley River.
- (7) In that portion of Foxley River, Prince County, that is above or eastwardly of the easterly boundary lines of Sections H, M and R in Division 315, in accordance with the Plan showing Oyster Leases in Foxley River.
- (8) In that portion of Conway Narrows, Prince County, that is between a line drawn across the said Narrows southwest astronomic from Oyster Survey Monument No. 100 and a line drawn across the said Narrows southwest astronomic from Oyster Survey Monument No. 102, in accordance with the Plan showing Oyster Leases in Conway Narrows.
- (9) In that portion of Frederick Cove, Prince County, that is above or westwardly of a line drawn across the said cove due south from Oyster Survey Monument No. 99, in accordance with the Plan showing Oyster Leases in Conway Narrows.
- (10) In Boyles River, Prince County.
- (11) In that portion of Trout River, tributary to Bideford or Goodwood River, Prince County, that is above or southwardly of the southerly boundary lines of Section A in Division 185 and Section E of Division 186, in accordance with the Plan showing Oyster Leases in Malpeque Bay.
- (12) In Shipyard and Mill Creeks, tributary to Grand or Ellis River, Prince County, northwardly and westwardly of and including Division 84, Section A, subsections 13, 14, 15 and 16; Division 85, Section E, subsection 13; Division 85, Section F, subsections 1, 2 and 3; and Division 85, Section G, subsections 5 and 6, in accordance with the Plan showing Oyster Leases in Malpeque Bay.
- (13) In that portion of Grand or Ellis River, including the tributaries thereto, in the Malpeque Bay area, Prince County, that is above or southwardly of the highway bridge at Ellis River.
- (14) In that portion of Nebraska River, in the Malpeque Bay area, Prince County, that is above or southwardly of the highway bridge across the said river near the mouth thereof.

**Fisheries Act—continued**

- (15) In those portions of New London Bay, Prince County,—
  - (i) within four hundred feet of all wharves;
  - (ii) within four hundred feet both above and below New London and Stanley River Bridges;
  - (iii) All of French River, tributary to New London Bay.
- (16) In those portions of Rustico Bay, Queens County,—
  - (i) including Divisions 435 and 436;
  - (ii) Hunter River above or southwardly of the southerly boundary lines of Section A in Division 422 and Section E in Division 423;
  - (iii) Sections R, V and W in Division 406; all in accordance with the Plan showing Oyster Leases in Rustico Bay.
- (17) In that portion of Brackley Bay, Queens County, that is westwardly of a straight line drawn across the said bay from Oyster Survey Monument No. 117 to Oyster Survey Monument No. 119, in accordance with the Plan showing Oyster Leases in Covehead and Brackley Bays.
- (18) In that portion of Tracadie Bay, Queens County, included in Division 621, in accordance with the Plan showing Oyster Leases in Tracadie Bay.
- (19) In that portion of Savage Harbour, Kings County, included in Sections E, D and G in Division 710 and Sections X and Y in Division 708, in accordance with the Plan showing Oyster Leases in Savage Harbour.
- (20) In North Lake, Kings County.
- (21) In Fortune River, Kings County.
- (22) In those portions of Boughton or Grand River, Kings County, that are within four hundred feet of all wharves and in that portion that is above or westwardly of a straight line across the said river from Chappel Wharf to Poplar Point Wharf.
- (23) In Mink River, on the northerly side of Murray Harbour, Kings County, including Clow Basin and Greek River.
- (24) In that portion of Murray River, Kings County, that is above or westwardly of a straight line drawn across the said river from the westerly entrance of Log Cove to the westerly entrance of Dowden Creek.
- (25) In that portion of Murray Harbour, Kings County, that is southwardly of a straight line drawn from Oldstore or Beach Point, at the entrance of the said harbour, to Guernsee or Machons Point.
- (26) In those portions of Pinette Harbour, Vernon and Orwell Rivers, Orwell Bay, Pownal Bay and Nine Mile Creek, Queens County, that are within four hundred feet of all wharves.
- (27) In that portion of the South Branch of Pinette River, Queens County, that is above or eastwardly of the highway bridge.

**Fisheries Act—continued**

- (28) In that portion of Orwell River, Queens County, that is above or eastwardly of the grid line marking the division between 9-K-L-M and 10-K-L-M, in accordance with the plan showing Oyster Leases in Vernon and Orwell Rivers.
- (29) In that portion of Vernon River, Queens County, that is above or northwardly of a line drawn across the said river due south from Oyster Survey Monument No. 6, Fraser's Point, in accordance with the Plan showing Oyster Leases in Vernon and Orwell Rivers.
- (30) In that portion of Seal River, tributary to Vernon River, Queens County, that is above or northwardly of the highway bridge.
- (31) In Charlottetown Harbour, Queens County.
- (32) In those portions of Hillsborough or East River, tributary to Charlottetown Harbour, Queens County:—
  - (i) below or westwardly of a straight line drawn across the said river from Apple Tree Point to Campbell's Point, which is at the upstream side of the entrance of Johnston River;
  - (ii) above or eastwardly of a straight line drawn across the said river from Carr's Point to McKinnon's Point at the mouth of Pisquid River.
- (33) In York or North River, tributary to Charlottetown Harbour, Queens County.
- (34) In that portion of Eliot or West River, tributary to Charlottetown Harbour, Queens County, that is below or eastwardly of a straight line drawn across the said river from the upstream side of John McPhee's Creek to Lowther's Point.
- (35) In Victoria Harbour and Westmorland River, Queens County.
- (36) In Tryon River, Prince County.
- (37) In Borden Harbour, Prince County.
- (38) In that portion of Bedeque Bay, Prince County, that is inside, that is eastward, of a straight line drawn across the said bay from Indian Point to Phelan Point.
- (39) In Haldimand River, tributary to Egmont Bay, Prince County.
- (40) In Sedgewick Cove, Prince County.
  - (b) It shall be lawful, under the following restrictions and conditions, to fish for, take and remove oysters from any of the areas defined in this subsection:
    - (1) A special permit issued by authority of the Minister must be obtained.
    - (2) Such special permit shall convey to the authorized holder thereof the privilege of fishing for, taking and removing oysters from the area specified therein, for the purpose of relaying them in pure water areas or of chlorinating them.



**Fisheries Act—continued**

- (3) Fishing for, taking, or removing oysters under such permit shall be restricted to the period from June first, in each year, to July fifteenth following, both days inclusive; provided that in areas designated by the Minister such fishing for, taking, or removing oysters under permit may continue to a date determined by the Minister, such date, however, not to be beyond July thirty-first.
- (4) Such pure water areas must be approved by the Minister, and the oysters must be transferred directly to such areas from the producing beds and remain on such areas for a minimum period of time specified by the Minister.
- (5) Chlorinating must be done under conditions, and for a period of time approved by the Minister.
- (6) In that area described in the clause numbered thirty-eight of paragraph (a) of this subsection, the authorized holder of a special permit issued in respect of that area may fish for, take and remove oysters to a size not less than two and one-half inches measured in a straight line across the widest part of the shell.

8. Under a special permit issued by authority of the Minister, uncultured oysters may be picked from the first day of June to the twenty-fourth day of September in each year, both dates inclusive, from an area or areas specified in such permit for the purpose of stocking leased oyster areas. The Regional Supervisor may, however, close any area or areas to the picking of oysters under this subsection if he is of opinion such picking is detrimental to the oyster fishery.

9. (a) Except as herein otherwise provided, no one shall fish for, retain or kill any oyster of a less size than three and one-half inches measured in a straight line across the widest part of the shell.
- (b) Oysters of any size may be taken and removed from any leased area for relaying, and such oysters may be taken to and relaid on any other area when such transfer is not otherwise prohibited by these regulations.

10. Single, undersized oysters that are taken from public beds in fishing operations shall be immediately returned to the water; undersized oysters that are in clusters or attached to oysters of legal size may be brought to shore for separating and culling and shall then be immediately returned to the public areas from which they were taken in accordance with instructions from the local fishery officer.

**Section 13—Prohibitions**

1. The introduction of non-indigenous or non-native fish into the waters of the province except by special permission of the Minister is prohibited.

2. The jigging of any sport fish is prohibited.

3. Angling is prohibited in non-tidal waters frequented by sport fish at all times when sport fishing by angling therein is illegal.

**Fisheries Act—continued****Section 14—Clams**

1. For the purposes of this section clams include soft-shell, longneck or squirt clams (*Mya arenaria*); bar clams (*Macra solidissima*); and quahaugs (*Venus mercenaria*).

2. (a) No one shall fish for, take or without lawful excuse have in possession any soft-shell clam (*Mya Arenaria*) that measures less than two inches in length of shell, measured in a straight line, nor any other kind of clam that measures less than two and one-quarter inches in length of shell, measured in a straight line; and any smaller soft-shell clam or other clam accidentally taken shall forthwith be returned uninjured to the area from which it was taken; provided that soft-shell clams of a smaller size than herein specified may be taken for bait or local domestic use or from overpopulated areas designated by the Minister.
- (b) In the fishing for or taking of soft-shell clams from any public bed only hand tools may be used.

3. (a) No one shall fish for, take or kill quahaugs from the first day of November in each year, to the thirty-first day of July following, both days inclusive.

(b) Fishing for quahaugs in bays, harbours and other waters where oysters are taken shall be permitted only in areas set apart and marked out by the local fishery officers for the respective districts in which such fishing is prosecuted.

(c) Fishing for quahaugs on Sunday is prohibited.

4. As the Department of National Health and Welfare has determined that certain areas are so contaminated as to make shellfish taken therefrom unsafe for use as a raw food, no one shall fish for or take clams of any kind, at any time, excepting for use as bait in the areas defined by subsection 7 (a) of Section 12 of these Regulations.

**Section 15—Salmon**

1. No one shall fish for, catch or kill salmon otherwise than with gill-nets, drift-nets, trap-nets, or pound-nets or by angling.

2. The mesh of salmon drift-nets or gill-nets, and the leaders of salmon trap-nets or pound-nets shall not be less than five inches extension measure, when in use.

3. No one shall fish for, catch or kill, salmon with nets of any kind from the eleventh day of October, in each year, to the thirtieth day of June following, both days inclusive.

4. From the time of low water nearest six of the clock in the afternoon of every Saturday to the time of low water nearest six of the clock in the forenoon of every Monday, all salmon fishing gill-nets, drift-nets, pound and trap-nets, used for catching salmon shall be so raised or adapted as to admit of the free passage of fish through, by or out of such apparatus, or be so effectively closed as to completely obstruct and prevent the entrance of fish into such apparatus.

5. The number of salmon that may be taken by any one person in one day by angling shall not exceed five.

**Fisheries Act—continued**

6. Fishing for and catching salmon by angling shall be permissible from the twenty-fourth day of May to the fifteenth day of October in each year, both days inclusive.

7. Angling for salmon shall be restricted to fly surface fishing and in such fishing the use of any bait or lure other than an artificial fly or flies is prohibited.

8. No person shall use a dam for the purpose of so regulating the retention or discharge of water as to facilitate the catching of salmon, either by suddenly closing or opening the dam or in any other manner whatever.

9. No salmon, or grilse, weighing less than three pounds, nor any "spent" salmon, so-called, shall be retained or kept out of the water. If such undersized salmon or grilse, or any "spent" salmon be caught inadvertently, it shall, if possible, be returned alive and uninjured to the water from which it was taken by the person catching it.

10. The use of torches or other artificial lights in fishing for or catching salmon is prohibited.

11. No one shall fish for salmon with a net of any kind except under licence from the Minister. The fee on each such licence shall be one dollar.

**Section 16—Scallops**

1. No one shall engage in scallop fishing nor shall any one leave any port or place in the province to fish for scallops, either inside or outside territorial waters, except under licence from the Minister. The fee on each such licence shall be one dollar.

2. The meshes of scallop rake bags shall consist of wire rings of not less than three inches in diameter.

3. The waste portion of scallops shall not be thrown overboard from boats on the scallop fishing grounds.

4. The practice known as "floating" or "soaking" scallop meat in fresh water is prohibited.

**Section 17—Smelts**

1. Fishing for smelts otherwise than with gill-nets, bag-nets, box-nets or hook and line is prohibited.

2. (a) No one shall fish for smelts with a gill-net, bag-net or box-net, except under licence from the Minister.

(b) The fee on a smelt gill-net shall be one dollar.

(c) The fee on a smelt bag-net or box-net shall be one dollar.

3. Smelt gill-nets, bag-nets and box-nets shall have a mesh of not less than one and one-quarter inches extension measure, when in use. The use of leaders to bag-nets is prohibited.

4. Smelt gill-net fishing shall be permissible from the first day of October in each year to the fifteenth day of February following, both days inclusive.

5. (a) Smelt bag-net or box-net fishing shall be permissible from the hour of eight o'clock in the forenoon of December first in each year to the fifteenth day of February following, both days inclusive.



**Fisheries Act—continued**

- (b) From twelve o'clock midnight on each Saturday to twelve o'clock midnight on the Sunday following smelt bag-nets shall be so raised or adapted as to admit the free passage of smelts through, by or out of such nets.

6. Smelt bag-nets, box-nets, or gill-nets shall not be set or used within fifty yards from each other across a river, nor within one hundred yards of each other up and down a river, but the local Fishery Officer may in any instance require such greater distance between nets across or up and down a river as he may consider necessary.

7. The length of leader of a smelt box-net shall be fixed by the local Fishery Officer, but in no case shall it exceed one hundred feet in length. The mesh of leaders of smelt box-nets shall not exceed one and one-half inches extension measure, when in use.

8. Smelt gill-nets, bag-nets or box-nets shall not be set in the spans of bridges nor within one hundred yards thereof.

9. All smelt-nets shall be legibly marked, by a tag or float attached thereto, with the full name of the owner or operator of the net, which tag or float can be readily seen at all stages of the water without raising the net.

10. No one shall fish for, catch, kill or sell smelts from the first day of April to the thirtieth day of June, in each year, both days inclusive.

11. No one shall prepare to fish with bag-nets or box-nets by either cutting holes in the ice for, or in connection with fishing purposes, or by placing rigging of any kind for fishing before eight o'clock in the morning of the day on which bag-net fishing may legally begin.

12. All persons opening holes in the ice for the purpose of smelt fishing shall cause the same to be marked with four evergreen bushes at least six feet in height, when the holes are not in use.

**Section 18—Trap-nets**

1. No person shall operate a trap-net except under licence from the Minister. The fee on such licence shall be one dollar.

2. Each trap-net shall have permanently attached to it a tag on which the name of the licensee and the number of his licence shall be clearly visible at all times.

3. The distance to obtain between trap-nets shall not be less than two hundred yards measured from the trap-net twine nearest the next adjoining trap-net twine.

4. Should the Regional Supervisor find that the operation of any trap-net is unduly harmful to any other fishery, he may prohibit the operation of that trap-net at any time.

**Section 19—Trout**

1. Except as herein otherwise provided, no one shall fish for, catch or kill any speckled trout, or any other kind of trout, from the sixteenth day of September in each year to the fifteenth day of April following, both days inclusive.

**Fisheries Act—continued**

2. No one shall at any time fish for, catch or kill trout by other means than angling. "Jigging" for trout is prohibited.

3. Fishing for any kind of trout through the ice is prohibited.

4. The export of speckled trout is prohibited, provided however, that any non-resident fishing in waters of the province may upon leaving the province take away the lawful catch of two days' fishing, if the shipment is accompanied by a certificate to that effect from either the local Fishery Officer in whose district the fish were caught, or from the local station agent adjacent to the locality in which they were caught.

5. No single package of such trout shall exceed twenty-five pounds in weight, nor shall any person be permitted to ship more than one package during the season.

6. Except as herein otherwise provided, no one shall fish for, catch or kill, in any of the waters of the Province, in any one day by angling, or shall carry away a greater number of speckled trout or brook trout than in the aggregate shall weigh more than ten pounds, plus one trout, and no greater number than twenty speckled trout or brook trout, though said number weigh less than ten pounds.

7. The use of a torch or other artificial light in fishing for or catching trout is prohibited.

8. Except as herein otherwise provided, no one shall fish for or retain any trout that is less than six inches in length measured from the end of the nose to the centre of the tail and anyone who catches any such trout less than six inches in length shall immediately return it alive and uninjured to the water.

9. The following provisions shall apply to O'Keefe's, Afton and Glenfinnan lakes;

- (a) No one shall fish for trout of any kind in O'Keefe's, Afton or Glenfinnan lakes, from November first in each year to the thirtieth day of June following, both days inclusive;
- (b) Fishing shall be restricted to angling with artificial flies;
- (c) No one shall fish for or retain any rainbow trout that is less than ten inches in length measured from the end of the nose to the centre of the tail and anyone who catches any such trout that measures less than ten inches in length shall immediately return it to the water with as little injury as possible.
- (d) No one shall in one day catch and retain more than three rainbow trout.

10. Nothing in this section shall apply to the breeding or rearing of trout of any kind by private enterprise for commercial purposes; but no one shall engage in the breeding or rearing of trout for commercial purposes, except under permit from the Minister, and under rules that may be prescribed by the Minister.

**Fisheries Act—continued****5. Special Fishery Regulations for the Province of Quebec**

P.C. 5693

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of Quebec, established by Order in Council P.C. 5356 of 31st December, 1947, as amended, are hereby revoked; and
2. The annexed "Special Fishery Regulations for the Province of Quebec" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

## SPECIAL FISHERY REGULATIONS FOR THE PROVINCE OF QUEBEC

*Interpretation*

"angling" means the taking of fish with hook and line held in the hand, or hook and line and rod, the latter held in the hand, but does not include set lines or lines tied to a boat.

"bag-net" means an apparatus that catches fish without enmeshing them. It consists of wings or leaders terminating in a bag into which the fish are lead. It is attached to stakes and floats with the tide or current.

"box-net" means an apparatus that catches fish without enmeshing them, and that consists of a net made and set in the form of a box, with a trap into which the fish are guided by a leader.

"close season" means specified period in which fish may not legally be taken.

"drag-seine" means a net weighted at the bottom and floated at the top cast from a boat so as to enclose a space of water between it and the shore, and then drawn ashore.

"eel-trap" means a submerged apparatus for catching eels without enmeshing them. It has a top as well as a bottom and may or may not have wings or leaders.

"Extension measure" means the inside distance between the two knots, which are diagonally opposite each other in any mesh of a net after the mesh has been drawn together to form two parallel lines.

"Fishery Officer" means such Officer having authority from the Department of Game and Fisheries for the Province of Quebec.



## Fisheries Act—continued

“fly surface fishing” means angling with an artificial fly or flies, which may be single or double hooked, attached to the line or to a leader that is attached to the line. The line shall be so cast and the rod so manipulated that the fly or flies will alight on and be kept at or near the surface of the water.

“gill-net” means a net that catches fish by enmeshing them. It may be staked, anchored or floating.

“hoop-net” means an apparatus that catches fish without enmeshing them. It is constructed on hoops and terminates in a tapering bag in which the fish are held. It may or may not have wings or leaders.

“Minister” means the Minister of Game and Fisheries for the Province of Quebec.

“Minister of Fisheries” means the Minister of Fisheries for the Dominion of Canada.

“night-line” means a line to which hooks are attached at intervals but does not include “trawls” or “bultows” used by sea fishermen.

“non-resident” means any person domiciled in the Province of Quebec for a period of less than six months.

“one day” means from sunrise to sunset.

“trap-net” or “pound-net” means an apparatus that catches fish without enmeshing them. It consists of a leader and an enclosure with a bottom, into which enclosure the fish are guided by the leader. It may be either staked or floating.

“weir” differs from a “pound-net” or “trap-net” in that it has no bottom.

### Section 1—*Angling*

In angling no one shall use more than one fishing line, and such fishing line shall not be provided with more than three hooks, provided that in fly surface fishing double hooked flies may be used.

### Section 2—*Angler's Permits*

1. Non-residents shall not angle for or take any fish without first having obtained an angler's permit from the Minister.

2. One angler's permit only shall be issued to each applicant. Such permit shall not be transferable and can be legally used only by the person whose name appears thereon. Each holder of an angler's permit shall be required to produce and exhibit his permit when called upon to do so by any Fishery Officer.

3. Residents shall not angle in salmon rivers or in lakes, except under permit from the Minister.

4. The fee for an angling permit shall be as determined by the Lieutenant-Governor in Council.

### Section 3—*Bass*

1. (a) Except as herein otherwise provided no one shall fish for, catch or kill any bass from the sixteenth day of October in each year to the fifteenth day of June, following, both days inclusive.

**Fisheries Act—continued**

- (b) In that portion of the Ottawa River from the interprovincial boundary line between Pointe Fortune, Ontario, and Carillon, Quebec, running westerly and northerly to and including lake Temiskaming, no one shall fish for, catch or kill any bass from the sixteenth day of October in each year to the thirtieth day of June following, both days inclusive.
- (c) In the waters of the county of Brome, excepting those of lake Memphremagog, no one shall fish for, catch or kill any bass from the first day of October in each year to the fifteenth day of June following, both days inclusive.

2. No one shall fish for or take black bass otherwise than by angling, and any such fish as may be accidentally taken otherwise shall be liberated, if possible uninjured, by the person catching it.

3. No black bass less than nine inches in length, measured from the tip of the snout to the centre of the posterior edge of the tail, shall be retained or kept out of the water, or had in possession without lawful excuse; but anyone who takes or catches any such fish shall immediately return it, if possible uninjured, to the water from which it was taken.

- 4. (a) Except as herein otherwise provided, no one shall in one day fish for, catch or kill in any of the waters of the province, or shall carry away a greater catch of black bass (achigan) than shall weigh fifteen pounds, plus one such fish, but in no case shall the number taken in one day exceed ten such fish, nor shall anyone have in possession at any time a greater number than one day's legal catch.

- (b) In the waters of the county of Brome, excepting those of lake Memphremagog, no one shall fish for, catch, kill or carry away in one day a greater number of black bass (achigan) than six.

5. The export of black bass (achigan) or crapet, no matter where procured is hereby prohibited; provided that any non-resident angler fishing in the waters of the province under a proper permit, may on leaving the province take away the lawful catch of one day's fishing.

**Section 4—Clams—Soft-Shell, Long-Neck, or Squirt-Clams**

The export of soft-shell, long-neck or squirt-clams (*Mya Arenaria*) in a raw state taken from the first day of May to the thirtieth day of June in each year, both days inclusive, is prohibited.

**Section 5—Cod Fishing in the Gulf of St. Lawrence**

1. A licence shall not be required for a cod trap-net that is set at a distance of not less than one thousand yards from shore or one thousand yards seaward from any similar net set from the shore.

2. A cod trap-net shall not be set near the mouth of any river frequented by salmon, nor in such a manner or at such a place as will obstruct or interfere with the passage of salmon.

3. All cod trap-nets, shall be placed at distances of not less than two hundred and fifty yards apart, and no fishing apparatus of any kind shall be set, or used in or about any part of the water between cod trap-nets; provided always that a Fishery Officer may direct, either in writing or orally that any greater space than two hundred and fifty yards shall be

**Fisheries Act—continued**

left between cod trap-nets, and any cod trap-net or other fishing apparatus which the owner or person using the same neglects or refuses to remove in accordance with such direction, shall be illegal and liable to forfeiture together with the fish caught therein, and the owner or person using the same shall also be liable to the penalties provided by the Fisheries Act.

4. If the leader of a cod trap-net extends from the shore, any Fishery Officer may determine in writing or orally the length of the leader that shall be used.

5. The pots of cod trap-nets shall have meshes of at least four inches extension measure, and the leaders shall have meshes of at least six inches extension measure when in use.

6. The fee for a cod trap-net licence shall be fifty cents for each fathom in length of leader and such fee shall be payable in advance; provided that at the Magdalen Islands the fee for such a licence shall be one dollar.

7. Should an inhabitant of the United States who is fishing with cod trap-nets in Canadian waters in the exercise of his liberties under the Treaty of 1818, apply for a licence under the provisions of these regulations, such licence shall be issued to him in the usual course, for any unoccupied berth he may select.

*Section 6—Magdalen Islands*

1. It shall be unlawful, during the season of herring and mackerel fishing in Pleasant bay (Magdalen Islands), from the first of May to the fifteenth of June, to set any net or nets opposite the entrance of Amherst harbour, that is to say: eastward of a line drawn from the northwest end of the cape bounding the mouth of said harbour to the east end of cape Alright, as far as another line intersecting the same and bearing east south-east (magnetic) with the north cape of Entry island; and no person or persons shall be permitted at any time to set any net or nets in the middle of Sandy Hook channel nor shall any net or nets be set along the northern and western shores of Entry island at more than one mile distant from the beach: Provided, however, that fishermen may lay their nets from Alright and Grindstone islands towards Entry island to within half a mile of those set upon the northern and western shores of said island, so as to leave always, for the purposes of navigation, a clear channel against the entrance into Amherst harbour, and preserve free access to the bottom of Pleasant bay for the schools of herring and mackerel resorting thereto.

2. No nets shall be set in the said bay nearer to each other than one hundred feet.

3. Whenever it shall be found impracticable to discover the owner or owners for the time being of any net or nets set in contravention of these regulations any Fishery Officer may, upon sight, proceed to remove and confiscate the same.

*Section 7—Eels*

1. The mesh of netting in an eel-weir or eel-trap shall not be less than 2 $\frac{1}{4}$ " extension measure when in use; provided that the mesh of a wire net shall be not less than 1 $\frac{1}{8}$ " inside, open mesh measure.



**Fisheries Act—continued**

2. The retaining of eels under twenty inches in length is prohibited, and such eels, if captured, shall be liberated, if possible uninjured.

3. The fee for an eel-weir, eel-trap or eel-pot, shall be ten cents for each fathom in length of leader used.

4. During the months of October and November, in each year, no one shall fish for eels with a spear or torch in any waters frequented by salmon or trout.

**Section 8—Explosives Prohibited**

1. It shall be unlawful for any person or persons to procure or have in his possession on board of any boat or vessel or elsewhere, any dynamite or other explosive material with the intention of using or attempting to use or allowing or permitting the same to be used or attempted to be used for the purposes of catching or killing or attempting to catch or kill fish.

2. It shall be unlawful for any person or persons to put or place or have upon or in any boat or vessel engaged or employed or intended to be engaged or employed in fishing, any dynamite or other explosive.

3. In case any such dynamite or other explosive shall be found or proved to be or to have been in or upon any such boat or vessel, the master and the owner thereof shall each be liable for the penalty provided for breach of the last preceding regulation, as well as any other person or persons who may have put or placed such dynamite or other explosive upon or in the said boat or vessel or had the same in possession therein.

**Section 9—Herring**

1. A licence shall not be required for a herring trap-net that is set at a distance of not less than one thousand yards from shore or one thousand yards seaward from any similar net set from the shore.

2. A herring trap-net shall not be set near the mouth of any river frequented by salmon nor in such a manner, or at such a place as will obstruct or interfere with the passage of salmon.

3. All herring trap-nets shall be placed at distances of not less than two hundred and fifty yards apart, and no fishing apparatus of any kind shall be set or used in or about any part of the water between herring trap-nets; provided that a Fishery Officer may direct, either in writing or orally, that any greater space than two hundred and fifty yards shall be left between herring trap-nets and any herring trap-net or other fishing apparatus which the owner or person using the same neglects or refuses to remove in accordance with such direction, shall be illegal and liable to forfeiture, together with the fish caught therein, and the owner or person using the same shall also be liable to the fines and penalties provided by the Fisheries Act.

4. If the leader of a herring trap-net extends from the shore, a Fishery Officer may determine in writing or orally, the length of the leader that shall be used.

5. The pots of herring trap-nets shall have meshes of at least one and one-quarter inches extension measure, and the leaders shall have meshes of at least four inches extension measure when in use.

**Fisheries Act—continued**

6. The fee on a herring trap-net licence shall be one dollar.

7. (a) A herring seine shall not be used within one hundred and ten fathoms of any herring trap-net.

(b) The fee on a herring seine shall be one dollar.

**Section 10—*Licences***

In the waters of the Province of Quebec, whether they are tidal or not, except in fishing for herring or mackerel with gill-nets, no one shall engage in fishing by means of nets, traps, weirs or other similar apparatus or contrivance of any kind, or with night-lines, whether fixed to the soil or not, except under licence from the Minister.

**Section 11—*Licence Fees Generally***

1. The fee for a licence for hoop-nets shall be two dollars for the hoop-net and one dollar for each additional one covered by the licence; provided that in lake St. Peter, a lake expansion of the St. Lawrence River, commercial fishermen who are sixteen years of age and over may be permitted to fish up to a maximum of forty hoop-nets with the fee to permit such fishing to be calculated at the rate of fifty cents for each hoop-net regardless of leaders or wings which shall remain subject to existing regulations so far as their number and length is concerned.

2. The fee for a licence for seines not otherwise provided for in these regulations shall be at the rate of ten cents per fathom in length of net covered by the licence. At the Magdalen Islands the fee on such licence shall be one dollar.

3. The fee for a licence for night-lines, not otherwise provided for in these regulations, shall be two dollars for the first one hundred hooks, and one dollar for each additional one hundred hooks or fraction thereof covered by the licence.

4. The fee for a licence for gill-nets not otherwise provided for in these regulations, shall be at the rate of ten cents per fathom in length of net covered by the licence.

5. The fee for a licence for a brush weir for the catching of mixed fish, shall be ten cents for each fathom in length of leader used.

**Section 12—*Lobsters***

(See Special Lobster Fishery Regulations)

**Section 13—*Limitation of Catch, Lake Massawippi***

1. No one shall fish for, catch or kill in one day in lake Massawippi, Stanstead county, more fish of any kind than will in the aggregate weigh more than fifteen pounds round weight.

2. No one shall retain any Atlantic salmon, grey trout or pike that is less than fifteen inches in length. Anyone who takes or catches any such fish that is less than fifteen inches in length shall return it, if possible uninjured, to the water from which it was taken.

**Fisheries Act—continued****Section 14—Maskinonge**

1. No one shall fish for, catch or kill any maskinonge from the sixteenth day of October in each year to the fifteenth day of June following, both days inclusive.

2. No one shall fish for or take maskinonge otherwise than by angling, and any such fish that may be accidentally taken otherwise shall be liberated, if possible uninjured, by the person catching it.

3. No maskinonge less than twenty-four inches in length measured from the tip of the snout to the centre of the posterior edge of the tail, shall be retained or kept out of water or had in possession without lawful excuse; but any one who takes or catches any such fish shall immediately return it, if possible uninjured, to the water from which it was taken.

4. No one shall fish for, catch or kill in any of the waters of the province, in one day, by angling, a greater number of maskinonge than in the aggregate shall weigh more than thirty pounds, plus one such fish, but in no case shall the number taken in one day exceed three such fish nor shall any one have in his possession, at any time, a greater number than one day's legal catch.

5. The export of maskinonge, no matter where procured, is prohibited, provided that any non-resident fishing under a proper permit may, on leaving the province, take away the lawful catch of one day's fishing.

**Section 15—Ouananiche**

1. No one shall fish for, catch or kill any ouananiche from the first day of October in each year to the thirtieth day of April following, both days inclusive.

2. No one shall fish for or take ouananiche otherwise than by angling, and any such fish that may be accidentally taken otherwise shall be liberated, if possible uninjured, by the person catching it.

3. No ouananiche less than twelve inches in length measured from the tip of the snout to the posterior edge of the tail shall be retained or kept out of the water, but anyone who takes or catches such fish shall immediately return it, if possible uninjured, to the water from which it was taken.

4. No one shall in one day fish for, catch or kill in any of the waters of the province or shall carry away a greater catch of ouananiche than will weigh fifteen pounds, plus one such fish, but in no case shall the number taken in one day exceed ten such fish, nor shall anyone have in his possession at any time a greater number than one day's legal catch.

5. The export of ouananiche, no matter where procured, is prohibited, provided that any non-resident fishing in the waters of the province under a proper permit may, on leaving the province, take away the lawful catch of one day's fishing.

**Section 16—Pickerel (Dore)**

1. No one shall fish for, catch, kill or export, any pickerel (dore) from the sixteenth day of November in each year to the fifteenth day of May following, both days inclusive; provided that in Missisquoi Bay



**Fisheries Act—continued**

and in all the waters of the Province lying to the north of the forty-seventh latitude, no one shall fish for, catch, kill or export pickerel (dore) from the sixteenth day of April to the fifteenth day of May in each year, boths days inclusive.

2. No pickerel (dore) less than fifteen inches in length, measured from the tip of the snout to the posterior edge of the tail, shall be retained or kept out of the water, and any pickerel (dore) less than fifteen inches in length that may be accidentally taken, must be immediately returned, if possible uninjured, to the water from which it was taken.

3. No one shall fish for, catch or kill, in any of the waters of the Province, in one day, by angling, a greater number of pickerel (dore) than in the aggregate shall weigh more than thirty pounds, plus one such fish, but in no case shall the number taken in one day exceed ten such fish, nor shall any one have in his possession, at any time, a greater number than two days' legal catch.

**Section 17—Northern Pike**

In all waters of the Province north of the Ottawa and St. Lawrence rivers, no one shall fish for, catch or kill in one day by angling a greater number of northern pike than in the aggregate shall weigh more than thirty pounds, plus one fish; and in no case shall anyone have in his possession, at any time, a greater number than one day's legal catch, and in no case, shall any northern pike less than seventeen inches in length be retained or kept out of the water.

**Section 18—Grass Pike**

1. No one shall fish for, catch or kill any grass pike in Brome pond, near Sweetsburg, from the fifteenth day of April to the fifteenth day of May, both days inclusive, in each year.

2. No grass pike less than fifteen inches in length shall be retained or kept out of the waters of the said Brome pond and any grass pike less than fifteen inches in length, measured from the tip of the snout to the posterior edge of the tail, that may be accidentally taken from the said Brome pond must be immediately returned to the said waters, if possible uninjured.

3. No one shall fish through the ice in the said Brome pond.

**Section 19—Prohibitions**

1. Fishing by means of nets of any kind is prohibited in the Iroquois river in the county of St. Johns.

2. Fishing with nets of any kind in the lakes and their tributary streams in the counties of Missisquoi, Shefford, Brome, Drummond, Richmond, Wolfe, Sherbrooke, Stanstead, Compton, Megantic and Beauce, is prohibited.

No night-lines used in the above prohibited districts shall have more than one hundred hooks each.

3. No fishing with seines, hoop-nets, or nets of any kind is allowed during the months of July and August in each year in that part of the St. Lawrence river extending from a line drawn from the eastern boundaries

**Fisheries Act—continued**

of the counties of Champlain and Nicolet to the international boundary line between Canada and the United States, including the Ottawa, Richelieu, Yamaska, St. Francois and all the other tributaries of the St. Lawrence river within the above named limits.

4. No one shall fish in Brome lake otherwise than by angling.

5. Fishing by any means, except with rod and line or night-line, is prohibited in the Lake of Two Mountains and the Ottawa river.

6. Fishing by any means except with rod and line, or night-line, is prohibited in the portions of the des Prairies and des Milles-Iles rivers, district of Montreal, above the Canadian National Railways Bridge at the junction of these rivers with the St. Lawrence.

7. No one shall fish in river Bergeron (so-called Annance river) which runs through the townships of Marston and Clinton in the county of Frontenac, otherwise than by angling with a fly in the manner known as fly surface fishing.

8. No person shall use a dam for the purpose of so regulating the retention or discharge of water as to facilitate the catching of fish of any kind, either by suddenly closing or opening the dam, or in any other manner whatever.

9. No one shall fish by means of any kind in the areas described as follows:

At Paspébiac: An area inside the bar bounded on the west by a straight line from the intersection of lots 303a and 303b on the south and the intersection of lots 227 and 228 on the north; on the north by the mainland; and on the east and south by the sand bar.

At Port Daniel: An area bounded on the north by the intersection of lots 147 and 148 and on the south by the centre of Lot 143, and extending those two lines parallel two thousand feet towards the sea.

**Section 20—Propagation of Fish**

1. Except as provided for herein, the following waters are set apart for the natural propagation of fish:—

(a) The streams known as North River, in the counties of Argenteuil, Two Mountains and Terrebonne, and Salmon river, in the county of Huntingdon, with limits extending one-half mile on either side of the mouth of each.

(b) The Magog and Massawippi Rivers, in the counties of Stanstead and Sherbrooke, and the waters and tributary streams of Lake Massawippi, up to and including the distance of one mile from the said Lake Massawippi; the river Negro, up to Burrough's Falls; the Tomofobia river, up to Boynton dam and the Little Magog Lake; provided that angling may be allowed in these waters from May twenty-fourth to October twentieth in each year, both days inclusive; provided further that in that part of Magog River, extending from Memphremagog Lake, as far as the first dam, an approximate distance of four thousand eight hundred feet, angling may be allowed from May first to October twentieth in each year, both days inclusive; provided further that the taking of perch by angling may be allowed at any time of the year in Little Lake Magog.

**Fisheries Act—continued**

**Section 21—Atlantic Salmon**

1. No one shall fish for, catch or kill salmon otherwise than with gill-nets, trap-nets, pound-nets or weirs, or by angling.

2. Except in the waters about the Magdalen Islands, no one shall fish for salmon with a net of any kind except under licence from the Minister.

3. The mesh of salmon gill-nets and the leaders of salmon trap-nets, pound-nets or weirs shall not be less than five inches extension measure when in use.

4. (a) The fee for a licence for a salmon trap-net, pound-net or weir, shall be ten cents for each fathom in length of bar-net used.

(b) The fee for a licence for a salmon gill-net shall be ten cents for each fathom in length of net covered by the licence.

5. All salmon gill-nets, trap-nets, pound-nets or weirs shall have the name of the licensee and the number of his licence legibly marked on two pieces of wood or metal attached to the same in such manner as to be visible at all stages of the tide without taking up the net.

6. No one shall fish for, catch or kill salmon otherwise than by angling from August first in each year to May fourteenth following, both days inclusive, excepting in the Bersimis River and on that portion of the north shore of the Gulf of St. Lawrence east of but not including the Natashquan River, where the close season for salmon net fishing shall begin on August sixteenth in each year.

7. (a) The weekly close time for salmon net fishing shall be from 8 a.m. Standard Time on each Saturday to 8 a.m. Standard Time on each Monday; provided that in the counties of Bonaventure, Gaspé South, Gaspé North, Matane, Rimouski, Temiscouata and Saguenay (including Anticosti Island), the weekly close time shall be from 8 p.m. Standard Time on each Saturday to 8 a.m. Standard Time on each Monday.

(b) In the case of a salmon stake-net, at least ten feet of the portion of the leader that is immediately adjacent to each trap or pound on the net, shall be so raised and securely tied to the stakes as to be entirely above highwater mark, or such portion, or portions, of the leader shall be entirely removed, and taken ashore, during the weekly close time.

(c) In the case of an anchored salmon net, at least ten feet of the portion of the leader that is immediately adjacent to each trap or pound on the net, shall be raised and securely tied to the float-rope in such a manner that no part of this portion of the leader will be hanging down, or such portion of the leader shall be entirely removed and taken ashore, during the weekly close time, and in either instance a red flag not less than twelve by eighteen inches in size attached to a float so that the flag will be at least two feet above the water, shall be placed in each opening in the leader. This flag shall be left in position until this portion of the leader is replaced.

(d) In instances where, in the opinion of the Provincial Department of Game and Fisheries, salmon stake or anchored nets or other salmon fishing apparatus, would not be put out of fishing condition by complying with the requirements of paragraphs (b) and (c) of



**Fisheries Act—continued**

this subsection, in addition to complying with the said requirements all such nets shall be otherwise so raised or adapted as to admit of the free passage of fish through, by or out of such apparatus, or be so effectively closed as to completely obstruct or prevent the entrance of salmon into such apparatus.

- (e) Should weather conditions make it impracticable to adapt stationary nets during the weekly close time as provided for in this subsection, such nets shall be so adapted for a similar period during that week as soon as weather conditions become sufficiently favourable therefor.
- (f) The licensee of any net that is not so raised or adapted during the weekly close time will not be eligible for a renewal of his licence during the following year, saving moreover the penalties provided by law.

- 8. (a) No fishing whatever other than by angling shall be permissible in the following rivers, nor within one mile on either side of the mouths thereof:

Big Bergeronnes	Godbout
Laval	Calumet
Blanche	Vachon
English (west of Mistassini)	Trout or Metamek
Mistassini	

- (b) No fishing whatever other than by angling shall be permissible in the following waters:

Sheldrake river,—east of Seven Islands harbour,—nor within one-half mile on either side of the mouth thereof.

Jupitagon river,—nor within one-half mile on either side of the mouth thereof.

Magpie river,—nor within one-half mile on either side of the mouth thereof.

Trinity river,—nor within one-half mile on either side of the mouth thereof.

Little Trinity river,—nor within one-half mile on either side of the mouth thereof.

Matane river,—nor within one-half mile on either side of the mouth thereof.

Grand Pabos river,—nor within one-half mile on either side of the mouth thereof.

Little Pabos river,—nor within one-half mile on either side of the mouth thereof.

Dartmouth river,—above a straight line drawn north and south astronomic across the river from Collin's Point.

York River,—above a line drawn north and south astronomic across the river from the old mill wharf on the north side, at the lower end of the channel.

St. John river,—(Gaspé) nor within two hundred and fifty yards on either side of the mouth thereof.

Malbaie or Barachois river,—(Gaspé) nor within two hundred and fifty yards on either side of the mouth thereof.

Grand river,—(Gaspé) nor nearer than the wharf on the east side of the mouth, nor within six hundred yards of its mouth on the west side of the river.

**Fisheries Act—continued**

Thunder river,—nor within the inner basin at the mouth of the river.

Mingan river,—nor within two hundred and fifty yards of the mouth thereof.

St. John river,—above where the river narrows,—about two miles from the mouth.

Bonaventure river,—nor in front of the barachois at the mouth of the river, nor within one hundred and fifty yards east of the eastern end of the barachois, nor nearer the barachois on the west side than at a point opposite the church, about one-half mile from the barachois.

Little Cascapedia river,—nor nearer the mouth on the east side than one mile easterly from Point Monroe.

Grand Cascapedia river,—nor between its mouth and the mouth of the Little Cascapedia on the east side, nor nearer on the west side than a point opposite Bujold's old mill on Gillmore river, about two miles from the western side of the mouth of the Grand Cascapedia river.

Restigouche river,—above a straight line drawn from point Bouleau to the Ferry wharf in Campbellton.

Port Daniel rivers,—nor above a straight line drawn from the first small rocky point below the railway bridge on the east side of the mouths of the rivers to a point on the west side of the mouth of Little Port Daniel river three hundred yards below its mouth.

Magdalen river,—nor within two miles on the east side of the mouth thereof, nor nearer than the lighthouse point on the west side of its mouth.

St. Anne des Monts river,—nor within one-half mile on either side of the mouth thereof.

Cap Chatte river,—nor within one-half mile on either side of the mouth thereof.

Metis river,—nor within one-half mile on either side of the mouth thereof.

9. Except as herein otherwise provided, fishing for and catching salmon by angling shall not be permissible from the first day of September to the thirtieth day of April in each year, both days inclusive,—

(a) In the Restigouche river and such portions of its tributaries as are under lease to the Restigouche Salmon Club, fishing for and catching salmon by angling shall not be permissible from the sixteenth day of August in each year to the thirty-first day of March following, both days inclusive.

(b) In the Barachois river, fishing for and catching salmon by angling shall not be permissible from the sixteenth day of September in each year to the thirtieth day of June following, both days inclusive.

(c) In the Matane river from its mouth to its tributary, the Little Matane river, and in the Port Daniel and Little Bonaventure rivers, fishing for and catching salmon by angling shall not be permissible from the sixteenth day of October in each year to the thirtieth day of April following, both days inclusive.

10. No one shall use worms or any other kind of bait than artificial flies in fishing for, catching or killing salmon by angling.

**Fisheries Act—continued**

11. No salmon or grilse weighing less than three pounds round weight, nor any "spent" salmon so-called, shall be retained or kept out of the water. If such undersized salmon, or grilse, or "spent" salmon be caught inadvertently, it shall be liberated, if possible uninjured, by the person catching it.

12. The use of salmon drift-nets shall not be permissible in any of the territorial waters of the Province of Quebec.

13. No one shall fish for salmon with a net of any kind at or from any place in the Magdalen Islands, except under licence from the Minister of Fisheries.

**Section 22—Landlocked Atlantic and Sebago Salmon**

1. No one shall fish for, catch or kill landlocked Atlantic salmon or sebago salmon from the first day of October in each year to the thirtieth day of April following, both days inclusive.

No landlocked Atlantic or sebago salmon less than fifteen inches in length shall be retained or kept out of the water, but any one who takes such fish shall immediately return it, if possible uninjured, to the water from which it was taken.

3. No one shall in one day fish for, catch or kill in any of the waters of the province, or shall carry away a greater number of landlocked Atlantic or of sebago salmon than in the aggregate shall weigh more than forty pounds, plus one such fish, but in no case shall the number taken in one day exceed five such fish, nor shall any one have in his possession, at any time, a greater number than one day's legal catch.

4. The export of landlocked Atlantic salmon and sebago salmon, no matter where procured, is prohibited, provided that any non-resident fishing in the waters of the province under a proper permit may, on leaving the province, take away the lawful catch of one day's fishing.

**Section 23—Scallops**

No one shall fish for, catch or kill scallops from the fifteenth day of June to the thirtieth day of September in each year, both days inclusive.

**Section 24—Smelts**

1. Fishing for smelts otherwise than with gill-nets, bag-nets, box-nets, drag-seines or hook and line is prohibited.

2. Except in the waters about the Magdalen Islands no one shall fish for smelts otherwise than by hook and line, except under licence from the Minister.

3. (a) The fee for a smelt gill-net licence shall be two dollars; provided that at the Magdalen Islands the fee for such a licence shall be one dollar.

(b) The fee for a smelt bag-net licence shall be three dollars.

(c) The fee for a smelt box-net licence shall be three dollars.

(d) The fee for a smelt drag-seine licence shall be three dollars.

4. Smelt gill-nets and bag-nets shall have a mesh of not less than one and one-quarter inches extension measure when in use.



**Fisheries Act—continued**

5. Smelt gill-net fishing shall be permissible from September first in each year to February fifteenth following, both days inclusive, provided that at the Magdalen Islands such fishing shall be permissible only from October first in each year.

6. Smelt bag-net and box-net fishing shall be permissible from the twenty-fifth of November in each year to the fifteenth of February following, both days inclusive, provided that at the Magdalen Islands such fishing shall be permissible from October twenty-second in each year.

7. Smelt drag-seine fishing shall be permissible from the first of September until the close of navigation in each year.

8. Drag-seining for smelts shall be permissible only in localities where bag-netting or box-netting is not being carried on.

9. From the time of low water nearest six o'clock on Saturday afternoon, in each week, to the time of low water nearest six o'clock on Monday forenoon following, smelt—gill-nets, bag-nets, box-nets and drag-seines shall be so raised or adapted as to admit of the free passage of smelts through, by or out of such gill-nets, bag-nets, box-nets or drag-seines.

10. No one shall fish for, catch, kill, buy or sell smelts from the first day of April to the thirtieth day of June, in each year, both days inclusive.

Section 25—*Seals*

1. No one shall operate a seal fishery or a seal net, or shall hunt for seals by means of guns, sticks, rods, etc., except under permit from the Minister.

2. (a) The fee for a permit to operate a seal fishery or use a seal net shall be ten dollars.
- (b) The fee for a permit to operate a seal net known as a shoal net shall be ten cents for each fathom of net used.
- (c) The fee for a permit to operate a seal trawl at the Magdalen Islands shall be one dollar.
- (d) The fee for a permit to authorize hunting for seals by means of guns, sticks, rods, etc., shall be one dollar.

Section 26—*Sturgeon*

1. No one shall fish for, catch or kill sturgeon otherwise than with gill-nets, hoop-nets, weirs or night lines.

2. (a) The fee for a sturgeon gill-net licence shall be at the rate of ten cents per fathom of net used.
- (b) The fee for a sturgeon hoop-net shall be two dollars for the first one and one dollar for each additional one authorized by the licence.
- (c) The fee for a sturgeon night-line shall be two dollars for the first one hundred hooks and fifty cents for each additional one hundred hooks or fraction thereof authorized by the licence.

3. Except in lake Abitibi district, no one shall fish for, catch or kill any sturgeon from the first to the thirty-first day of May, both days inclusive, in each year.

**Fisheries Act—continued**

4. No sturgeon less than thirty-six inches in length shall be retained or kept out of the water, except in the river St. Lawrence where the minimum length of sturgeon caught and retained shall be twenty-eight inches, and anyone who may accidentally take any sturgeon of less lengths than provided for herein shall immediately return such fish to the water, if possible uninjured.

**Section 27—Trout****1. Grey trout or lake trout:**

- (a) No one shall fish for, catch or kill any grey trout or lake trout from the first day of October in each year to the thirty-first day of March following, both days inclusive.
- (b) No grey trout or lake trout less than fifteen inches in length shall be retained or kept out of water, but any one who takes such fish shall immediately return it, if possible uninjured, to the water from which it was taken.
- (c) No one shall fish for, catch or kill in any of the waters of the province, in one day, by angling, a greater number of grey or lake trout than in the aggregate shall weigh more than thirty pounds, plus one fish, and no greater number than five grey or lake trout though such number weigh less than thirty pounds; and in no case shall anyone have in his possession, at any time, a greater number than one day's legal catch.

**2. Speckled trout, sea trout, brown trout, rainbow trout and Quebec red trout:**

- (a) No one shall fish for, catch or kill any speckled trout or sea trout (*salvelinus fontinalis*), or brown trout, or Quebec red trout from the first day of October in each year, to the thirty-first day of March following, both days inclusive; provided however, that at any time of the year, such fishing through the ice is prohibited.
- (b) Except in tidal waters no one shall at any time fish for, catch or kill speckled trout by other means than angling.
- (c) The fee for a licence to fish for trout with a net in tidal waters shall be one dollar.
- (d) The mesh of a trout net shall not be less than two inches, extension measure, when in use, provided that sea-trout nets shall have meshes not less and not more than three inches, extension measure, when in use.
- (e)
  - (1) No one shall fish for, catch or kill any rainbow trout from the first day of October in each year, to the fifteenth day of June following, both days inclusive.
  - (2) No rainbow trout less than ten inches in length shall be retained or kept out of water, but any one who takes such fish shall immediately return it, if possible uninjured, to the waters from which it was taken.
  - (3) No one shall fish for, catch or kill in any of the waters of the province, in one day, by angling, a greater number of rainbow trout than in the aggregate shall weigh more than fifteen pounds, plus one fish, but in no case shall the number taken in one day exceed five such fish nor shall any one have in his possession at any time more than one day's legal catch.

**Fisheries Act—continued**

- (f) No one shall fish for, catch or kill in any of the waters of the province, in one day, by angling, a greater number of speckled trout or sea trout than in the aggregate shall weigh more than fifteen pounds, plus one trout, and no greater number than forty speckled trout or sea trout though said number weigh less than fifteen pounds, and no one shall have in his possession at any time a greater number or quantity than one day's legal catch.
- (g) No one shall fish for, catch or kill in any of the waters of the county of Brome in one day by angling or shall carry away a greater number of trout than in the aggregate shall weigh ten pounds, or no greater number than thirty, though the said number weigh less than ten pounds.
- (h) No speckled trout (*salvelinus fontinalis*), sea trout or Quebec red trout, that is less than seven inches in length, measured from the tip of the snout to the posterior edge of the tail, shall be retained or kept out of the water, and anyone who catches or takes such trout of less length than the minimum measurement named, shall return it to the water from which it was taken, if possible uninjured.
- (i) (1) No one shall fish for, catch or kill any rainbow trout in Sugarbush, Green, Benjamin, Tricorne and Three Point Lakes in Papineau County, from the sixteenth day of October in each year, to the fourteenth day of June following, both days inclusive.
- (2) No one shall fish for, catch or kill in any of the waters of the province, in one day, by angling, a greater number of Quebec red trout than in the aggregate shall weigh more than fifteen pounds, plus one such fish, and no greater number than ten Quebec red trout though such number weigh less than fifteen pounds; and no one shall have in his possession, at any time, a greater number than one day's legal catch.
- (j) No brown trout that is less than ten inches in length measured from the tip of the snout to the posterior edge of the tail, shall be retained or kept out of water, and anyone who catches or takes any brown trout less than ten inches in length shall return it to the water from which it was taken, if possible uninjured.
- (k) No one shall fish for, catch or kill in any of the waters of the province in one day, by angling, a greater number of brown trout than in the aggregate shall weigh more than fifteen pounds, plus one such fish, and no greater number than ten brown trout, though said number weigh less than fifteen pounds, and no one shall have in his possession, at any time, a greater number or quantity than one days' legal catch.

3. Fishing for trout of any kind through the ice in Lake Manitou, Terrebonne County, is prohibited.

4. No one shall export speckled trout, sea trout, brown trout, rainbow trout or Quebec red trout, no matter where procured, provided however that any non-resident fishing in the waters of the province under a licence or permit from the provincial authorities may, upon leaving the province, take away the lawful catch of one day's fishing but not to exceed a total weight of fifteen pounds.



**Fisheries Act—continued****Section 28—Whitefish**

1. Except as herein otherwise provided, no one shall fish for, catch or kill any whitefish from the tenth to the thirtieth day of November in each year, both days inclusive.

2. (a) No one shall fish for, catch or kill whitefish in Baker lake otherwise than with gill-nets.

(b) The length of a whitefish gill-net in Baker lake shall not exceed thirty-five fathoms, and the mesh thereof shall not be less than three inches extension measure, when in use.

The width of the net shall not be more than six feet.

(c) No one shall fish for, catch or kill whitefish in Baker lake from the first day of October in each year to the fourteenth day of May following, both days inclusive.

(d) The use of nets for the capture of fish other than whitefish shall not be permitted in Baker lake.

(e) Whitefish gill-nets in Baker lake shall be so set that the corklines thereof shall remain floating on the surface of the water.

(f) The use of gill-nets in Baker lake shall be permitted on Thursday only of each week throughout the lawful fishing season.

(g) Only permanent residents owning or renting land fronting Baker lake shall be eligible for permission to fish with nets therein, and then only one person in each family shall be so eligible.

(h) Nets shall not be set or operated in Baker lake in water that is less than eight feet deep, nor shall any net be set nearer to another than fifty fathoms.

(i) Should trout be caught in a whitefish gill-net in Baker lake, they shall be liberated, if possible uninjured, in the waters from which they were taken.

**6. Special Fishery Regulations for the Province of Ontario**

P.C. 5694

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of Ontario, established by Order in Council P.C. 5355 of 31st December, 1947, as amended, are hereby revoked; and

2. The annexed "Special Fishery Regulations for the Province of Ontario" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**Fisheries Act—continued**

SPECIAL FISHERY REGULATIONS FOR THE PROVINCE OF ONTARIO

*Interpretation*

1. In these regulations,—

- (a) “Angling” means taking or attempting to take fish by means of,
  - (i) hook and line held in the hand; or
  - (ii) hook and line and a rod held in the hand,
 and includes casting and trolling but not taking or attempting to take fish by means of set lines;
- (b) “Closed season” means a specified period during which fish may not be taken;
- (c) “coarse fish” means,—
  - (i) sucker, mullet or any member of the family Catostomidae;
  - (ii) Carp (*Cyprinus carpio* Linnaeus);
  - (iii) dogfish or bowfin (*Amia calva* Linnaeus);
  - (iv) eel (*Anguilla rostrata* Le Sueur);
  - (v) ling (*Lota maculosa* Le Sueur);
  - (vi) any member of the gar family Lepisosteidae;
  - (vii) smelt (*Osmerus mordax* Mitchill).
- (d) “commercial fish” means fish other than game fish;
- (e) “commercial fishing” means the taking for sale of fish other than game fish, by means of night line, spear, dip net, gill-net, hoop net, pound net, seine net or trap net, under the authority of a licence issued by the Department;
- (f) “Department” means Department of Lands and Forests of Ontario;
- (g) “extension measure” means the distance between the extreme angles of a single mesh, measured with a metal rule authorized by the Department, inside and between the knots after the twine has been saturated in water and extended until taut but with no strain thereon, and without breaking the twine, slipping a knot or bending the metal rule.
- (h) “game fish” means,—
  - (i) small-mouthed black bass (*Micropterus dolomieu*, Lacepede);
  - (ii) large-mouthed black bass (*Huro salmoides*, Lacepede);
  - (iii) maskinonge (*Esox masquinongy masquinongy* Mitchill);
  - (iv) Atlantic salmon (*Salmo salar salar*, Linnaeus);
  - (v) landlocked or sebago salmon (*Salmon salar Sebago*, Girard);
  - (vi) ouananiche (*Salmo salar ouananiche*, Jordan and Evermann);
  - (vii) Aurora trout (*Salvelinus timagamiensis*, Henn and Rinkensbach);
  - (viii) brown trout (*Salmo trutta fario*, Linnaeus);
  - (ix) Kamloops trout (*Salmo Kamloops*, Jordan);
  - (x) rainbow trout or Shasta trout (*Salmo gairdnerii stonei*, Jordan);
  - (xi) rainbow trout or steelhead trout (*Salmo gairdnerii irideus*, Gibbons);
  - (xii) speckled trout (*Salvelinus fontinalis*, Mitchill).
- (i) “lake trout” (*Cristivomer namaycush*, Walbaum) means common lake trout, Great Lake trout, grey trout or Mackinaw trout.

**Fisheries Act—continued**

- (j) "licence" means an instrument issued under The Game and Fisheries Act, 1946, (Ontario), or regulations thereunder, conferring upon the holder the privilege to do the things set forth in it, subject to the conditions, limitations and restrictions contained in it and the Act and regulations, but no licence shall be or operate as a lease;
- (k) "Non-resident" means any person who has not actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under these regulations;
- (l) "officer" means inspector, special patrol, overseer or any other officer or person authorized to assist in the propagation of fish and the enforcement of The Game and Fisheries Act, 1946, (Ontario), the regulations thereunder and these regulations, and includes all officers and members of the Ontario Provincial Police Force, and the superintendents, wardens and rangers of provincial parks within the meaning of The Provincial Parks Act (Ontario);
- (m) "open season" means a specified period during which fish may be taken;
- (n) "person" includes Indian and a firm or body corporate;
- (o) "resident" means any person who has actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under these regulations;
- (p) "snares" means any instrument used for taking or attempting to take fish, other than trolling line, rod and line, night line, spear, dip net, gill-net, hoop net, pound net, seine net or trap net.

*Licences to Fish*

2. (1) Subject to subsection (2) of this section, no person shall take clams or fish by any means other than angling, except under a licence.

(2) Except in,—

(a) the Counties of Victoria, Peterborough, Northumberland and Durham; and

(b) the waters of,—

(i) the Trent River and Lake Scugog;

(ii) Crow Lake, Crow River and Beaver Creek in the County of Hastings; and

(iii) the Rideau River between Hog's Back dam and the Ottawa River in the County of Carleton,

a resident may between sunrise and sunset during the months of April and May, take coarse fish without a licence by means of a spear, or a dip net not more than six feet square or six feet in diameter, but the fish, other than smelts, shall not be sold or bartered.

*Bait*

3. An angler may, without a licence, by means of,—

(a) a dip net having a diameter of not more than thirty-six inches; or

(b) a minnow trap with cone-shaped ends and not exceeding twenty inches in length or twelve inches in diameter,

take for personal use as bait, minnows and other small fish except the young of game fish, yellow pickerel (also called pike-perch or dore), pike, lake trout and whitefish.



**Fisheries Act—continued**

4. (1) An angler may, under a licence, use,—  
 (a) one minnow seine-net not exceeding thirty feet by six feet; or  
 (b) one dip net not exceeding six feet by six feet,  
 to take coarse-fish minnows for personal use as bait.

(2) The licence shall be known as a "Licence to take Coarse Fish Minnows for Bait."

5. (1) Except for bait in angling no person shall use minnows or other small fish.

(2) No person shall use live carp minnows or live smelts as bait except in the waters from which they were originally taken.

(3) From and including the first day of November to and including the thirty-first day of March next following, no person shall take or have in his possession minnows or other small fish taken from Ontario waters weighing in the aggregate more than forty pounds.

(4) No person shall liberate live minnows or other small fish to any waters other than those from which they were originally taken.

(5) No person shall use or permit to be used,

(a) Any luminous bait; or

(b) Any bait capable of emanating light, either by natural or artificial means.

**ANGLING**

6. (1) No non-resident over the age of twelve years shall angle without an angler's licence.

(2) No non-resident shall angle unless at that time he has the licence on his person.

(3) No non-resident shall hold more than one angler's licence in any year.

(4) A non-resident child under the age of twelve years may angle without a licence but only when accompanied by a member of his family who holds a non-resident angling licence.

(5) Fish taken by a child under the age of twelve years shall be included in the catch of the person who holds the licence.

6A. (1) No resident over the age of twelve years shall angle without an angler's licence in any provincial park designated by the Lieutenant-Governor in Council.

(2) No resident shall angle unless at that time he has the licence on his person.

(3) No resident shall hold more than one angler's licence in any year.

(4) A resident child under the age of twelve years may angle without a licence when an angling licence is held by a member of his family.

(5) Fish taken by a child under the age of twelve years shall be included in the catch of the member of his family who holds the licence.

7. (1) In angling a person shall use only one fishing line with not more than four hooks, but artificial baits of three small hooks in a gang shall be considered as one hook.

(2) Except to land a fish taken by angling no person shall use unbaited hooks for taking fish by gaffing, grappling or snagging.

**Fisheries Act—continued***Black Bass*

8. (1) Except by angling no person shall fish for or take large-mouthed or small-mouthed black bass.

(2) Subject to subsection (3) of this section no person shall fish for, catch or kill large-mouthed or small-mouthed black bass from and including the sixteenth day of October to and including the thirtieth day of June next following.

(3) No person shall fish for, catch or kill large-mouthed or small-mouthed black bass in Lake St. Clair, the St. Clair River and the Detroit River from and including the sixteenth day of December to and including the twenty-fourth day of June next following.

9. (1) No person shall retain, keep out of the water or have in his possession without lawful excuse a large-mouthed or small-mouthed black bass less than ten inches in length measured from the tip of the snout to the centre of the posterior edge of the tail.

(2) Where a person takes or catches a large-mouthed or small-mouthed black bass of less than the minimum measurement, he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

10. (1) No person shall fish for, catch or kill in one day by angling more than six large-mouthed or six small-mouthed black bass, or any combination of six thereof.

(2) No person shall have in his possession at any time more than twelve large-mouthed or twelve small-mouthed black bass, or any combination of twelve thereof.

11. (1) Subject to subsections (2) and (3) of this section no person shall export or take from Ontario large-mouthed or small-mouthed black bass.

(2) A person who holds a non-resident individual angling licence may upon leaving Ontario export or take away six large-mouthed or six small-mouthed black bass, or any combination of six thereof, which he has taken by angling.

(3) A person who holds a non-resident family angling licence may upon leaving Ontario export or take away twelve large-mouthed or twelve small-mouthed black bass, or any combination of twelve thereof, which have been taken by persons angling under licence.

(4) A shipping coupon detached from the licence shall be attached to the parcel in which the bass are shipped.

*White Bass*

12. (1) Except by angling no person shall retain, keep out of the water or have in his possession without lawful excuse a white bass less than nine inches in length measured from the tip of the snout to the centre of the posterior edge of the tail.

(2) Where a person takes or catches a white bass of less than the minimum measurement, he shall immediately return it to the waters from which it was taken.

**Fisheries Act—continued**

*Maskinonge*

13. (1) Except by angling no person shall fish for or take maskinonge.

(2) No person shall fish for, catch or kill maskinonge from and including the second day of October to and including the nineteenth day of June next following, in the French and Mattawa Rivers and Lake Nipissing and the waters lying north and west thereof.

(3) Subject to subsection (4) of this section no person shall fish for, catch or kill maskinonge from and including the second day of October to and including the thirtieth day of June next following, in waters lying south of the French and Mattawa Rivers and Lake Nipissing.

(4) No person shall fish for, catch or kill maskinonge in Lake St. Clair, the St. Clair River and the Detroit River from and including the sixteenth day of December to and including the twenty-fourth day of June next following.

14. (1) No person shall retain, keep out of the water or have in his possession without lawful excuse a maskinonge less than thirty inches in length measured from the tip of the snout to the centre of the posterior edge of the tail.

(2) Where a person takes or catches, a maskinonge of less than the minimum measurement, he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

15. (1) No person shall fish for, catch or kill by angling more than two maskinonge in one day or fourteen maskinonge in one open season.

(2) No person shall have more than four maskinonge in his possession at any time.

16. (1) Subject to subsections (2) and (3) of this section, no person shall export or take maskinonge from Ontario.

(2) A person who holds a non-resident individual angling licence may upon leaving Ontario export or take away two maskinonge which he has taken by angling.

(3) A person who holds a non-resident family angling licence may upon leaving Ontario export or take away four maskinonge which have been taken by persons angling under the licence.

(4) A shipping coupon detached from the licence shall be attached to the parcel in which the maskinonge are shipped.

*Trout*

17. (1) Except by angling no person shall fish for or take Aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout.

(2) No person shall fish for, catch or kill Aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout, from and including the sixteenth day of September to and including the thirtieth day of April next following.

18. (1) No person shall retain, keep out of water or have in his possession without lawful excuse an Aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout, less than seven inches in length measured from the tip of the snout to the centre of the posterior edge of the tail.



**Fisheries Act—continued**

(2) Where a person takes or catches an Aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout of less than the minimum measurement, he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

19. (1) No person shall fish for, catch or kill in one day by angling more than five Aurora trout, five brown trout, five Kamloops trout and five rainbow trout.

(2) No person shall have in his possession at any time more than ten Aurora trout, ten brown trout, ten Kamloops trout and ten rainbow trout.

20. (1) No person shall fish for, catch or kill in Norfolk County in one day by angling more than ten speckled trout.

(2) No person shall fish for, catch or kill in one day by angling in waters outside Norfolk County more than fifteen speckled trout.

(3) No person shall have in his possession at any time more speckled trout than two days' legal catch.

21. (1) Subject to subsection (2) of this section, no person shall export or take from Ontario Aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout.

(2) A person who holds a non-resident individual angling licence may upon leaving Ontario export or take away one day's legal catch of Aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout, which he has taken by angling.

(3) A person who holds a non-resident family angling licence may upon leaving Ontario export or take away two days' legal catch of Aurora trout, brown trout, Kamloops trout, rainbow trout or speckled trout, which have been taken by persons angling under the licence.

(4) A shipping coupon detached from the licence shall be attached to the parcel in which the trout are shipped.

*Yellow Pickerel and Pike*

22. (1) Subject to subsection (2) of this section, there shall be no closed season for yellow pickerel (also called pike-perch or dore) or pike in the Great Lakes, Georgian Bay, St. Mary's River, Lake George, Munuscong Lake, Potagannissing Bay, North Channel, the stretch of water between Drummond Island and Cockburn Island, St. Clair River, Lake St. Clair, Detroit River, Niagara River and the St. Lawrence River.

(2) No person shall fish for, catch or kill yellow pickerel (also called pike-perch or dore) in the Bay of Quinte from and including the first day of April to and including the fourteenth day of May next following.

23. (1) No person shall fish for, catch or kill in the French and Mattawa Rivers and Lake Nipissing, and the waters lying south thereof other than those specified in section 22 hereof,—

(a) yellow pickerel (also called pike-perch or dore) from and including the first day of January to and including the fourteenth day of May next following; or

(b) pike from and including the first day of April to and including the fourteenth day of May next following.

(2) Subject to subsection (3) of this section, no person shall fish for, catch or kill yellow pickerel (also called pike-perch or dore) in waters lying

**Fisheries Act—continued**

north and west of the French and Mattawa Rivers and Lake Nipissing, other than those specified in section 22 hereof, from and including the fifteenth day of April to and including the fourteenth day of May next following.

(3) No person shall fish for, catch or kill yellow pickerel (also called pike-perch or dore) in the Districts of Kenora, Patricia and Rainy River under a commercial fishing licence from and including the fifteenth day of April to and including the thirty-first day of May next following.

24. (1) No person shall retain, keep out of the water or have in his possession without lawful excuse a yellow pickerel (also called pike-perch or dore) taken by angling and less than thirteen inches in length measured from the tip of the snout to the centre of the posterior edge of the tail.

(2) No person shall retain, keep out of the water or have in his possession without lawful excuse a yellow pickerel (also called pike-perch or dore) taken by other means than angling and less than fifteen inches measured from the tip of the snout to the centre of the posterior edge of the tail.

(3) Where a person takes or catches a yellow pickerel (also called pike-perch or dore) of less than the minimum measurement, he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

25. (1) No person shall fish for, catch or kill in one day by angling more than six yellow pickerel (also called pike-perch or dore) and six pike.

(2) No person shall have in his possession at any time more than twelve yellow pickerel (also called pike-perch or dore) and twelve pike.

26. (1) Subject to subsections (2) and (3) of this section, no person shall export or take from Ontario yellow pickerel (also called pike-perch or dore) or pike taken by angling.

(2) A person who holds a non-resident individual angling licence may upon leaving Ontario export or take away six yellow pickerel (also called pike-perch or dore) and six pike, which he has taken by angling.

(3) A person who holds a non-resident family angling licence may upon leaving Ontario export or take away twelve yellow pickerel (also called pike-perch or dore) and twelve pike, which have been taken by persons angling under the licence.

(4) A shipping coupon detached from the licence shall be attached to the parcel in which the fish are shipped.

*Blue Pickerel*

27. (1) Except by angling no person shall retain, keep out of the water or have in his possession without lawful excuse a blue pickerel less than eleven inches in length measured from the tip of the snout to the centre of the posterior edge of the tail.

(2) Where a person takes or catches a blue pickerel of less than the minimum measurement, he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

*Whitefish and Lake Trout*

28. (1) There shall be no closed season for whitefish or lake trout in the Great Lakes, Georgian Bay, St. Mary's River, Lake George, Munus-

**Fisheries Act—continued**

cong Lake, Potagannissing Bay, North Channel, the stretch of water between Drummond Island and Cockburn Island, St. Clair River, Lake St. Clair, Detroit River, Niagara River and the St. Lawrence River.

(2) Subject to subsections (3), (4), and (5) of this section no person shall, except by angling, fish for, catch or kill whitefish or lake trout in the French and Mattawa Rivers and Lake Nipissing, and the waters lying north and west thereof other than those specified in subsection (1) of this section from and including the fifth day of October to and including the thirty-first day of October next following.

(3) There shall be a closed season for whitefish and lake trout in the Districts of Cochrane and Thunder Bay from and including the twenty-fifth day of September to and including the twentieth day of October next following.

(4) There shall be a closed season for whitefish in the Districts of Kenora, Patricia and Rainy River from and including the twenty-fifth day of October to and including the fifteenth day of November next following.

(5) There shall be a closed season for lake trout in the Districts of Kenora, Patricia and Rainy River from and including the twenty-fifth day of September to and including the twentieth day of October next following.

29. The Minister of Lands and Forests may issue licences to take whitefish in Lake Nipissing except from and including the fifteenth day of October to and including the fifteenth day of November.

30. No person shall fish for, catch or kill whitefish or lake trout in waters lying south of the French and Mattawa Rivers and Lake Nipissing other than those specified in subsection (1) of section 28 hereof, from and including the sixth day of October to and including the fifth day of November next following.

31. (1) Except by angling, no person shall retain, keep out of the water or have in his possession without lawful excuse a whitefish or lake trout weighing less than two pounds.

(2) Where a person takes or catches a whitefish or lake trout weighing less than two pounds, he shall immediately return it alive and if possible uninjured to the waters from which it was taken.

32. (1) No person shall fish for, catch or kill by angling more than five lake trout in one day.

(2) No person shall have more than ten lake trout in his possession at any time.

33. (1) Subject to subsections (2) and (3) of this section no person shall export or take from Ontario lake trout taken by angling.

(2) A person who holds a non-resident individual angling licence may upon leaving Ontario export or take away five lake trout which he has taken by angling.

(3) A person who holds a non-resident family angling licence may upon leaving Ontario export or take away ten lake trout taken by persons angling under the licence.

(4) A shipping coupon detached from the licence shall be attached to the parcel in which the fish are shipped.



**Fisheries Act—continued**

*Sturgeon*

34. (1) There shall be no closed season for sturgeon in the Great Lakes, Georgian Bay, St. Mary's River, Lake George, Munuscong Lake, Potagannissing Bay, North Channel, the stretch of water between Drummond Island and Cockburn Island, St. Clair River, Lake St. Clair, Detroit River, Niagara River and the St. Lawrence River.

(2) Subject to subsection (1) of this section, no person shall fish for, catch or kill sturgeon from and including the first day of June to and including the thirtieth day of June next following.

35. (1) Except by angling no person shall retain, keep out of the water or have in his possession without lawful excuse a sturgeon less than forty-two inches in length measured from the tip of the snout to the centre of the posterior edge of the tail, but a sturgeon taken from Lake St. Francis or the Ottawa River shall have a minimum length of thirty-six inches.

(2) Where a person takes or catches a sturgeon less than the minimum length, he shall immediately return it alive and if possible, uninjured to the waters from which it was taken.

*Perch*

36. (1) Subject to subsection (2) of this section, no person shall fish for, catch or kill by angling more than twenty-five perch in one day.

(2) No person shall fish for, catch or kill by angling in Lake Minde-moya in the District of Manitoulin more than ten perch in one day.

37. (1) Except by angling no person shall retain, keep out of the water or have in his possession without lawful excuse a perch less than eight inches in length measured from the tip of the snout to the centre of the posterior edge of the tail.

(2) Where a person takes or catches a perch less than eight inches in length, he shall immediately return it alive and, if possible, uninjured to the waters from which it was taken.

38. No person shall have in his possession at any time more than two days' legal catch of perch.

*Crappies*

39. No person shall fish for, catch or kill in one day by angling more than twenty crappies of the species *Pomoxis nigromaculatus*, Le Sueur, or *Pomoxis annularis*, Rafinesque, or combination thereof.

40. No person shall have in his possession at any time more than two days' legal catch of crappies.

*Ciscoes, Herring and Sheepshead*

41. (1) Except by angling no person shall retain, keep out of the water or have in his possession without lawful excuse,—

(a) Ciscoes or herring from waters other than Lake Erie, less than six ounces in weight;

(b) ciscoes or herring from Lake Erie, less than eight ounces in weight; or

(c) sheepshead less than twelve inches in length measured from the tip of the snout to the centre of the posterior edge of the tail.

**Fisheries Act**—*continued*

(2) Where a person takes or catches ciscoes or herring less than the minimum weight or sheepshead less than the minimum length, he shall immediately return them alive and if possible uninjured to the waters from which they were taken.

(3) The sorting of ciscoes and herring shall be done in the water and before they are removed from a fishing implement in which they have been captured.

*Application of Closed Season to Certain Areas*

42. Notwithstanding anything contained in these regulations no person shall fish for, catch or kill any fish from and including the sixteenth day of October to and including the thirtieth day of June next following, in,—

- (a) the counties of Durham, Northumberland, Peterborough and Victoria;
- (b) the Trent River and Lake Scugog; or
- (c) Beaver Creek, Crow Lake and the Crow River in the County of Hastings,

but this shall not apply,

- (i) to the taking of brown trout, rainbow trout or speckled trout in the counties of Durham, Northumberland, Peterborough and Victoria during the open season in waters not inhabited by black bass, lake trout and maskinonge.
- (ii) to angling from the shore for fish in respect of which there is an open season from and including the fifteenth day of May to and including the thirtieth day of June; and
- (iii) where the bait used is not artificial, to angling from an anchored boat for fish in respect of which there is an open season from and including the fifteenth day of May to and including the thirtieth day of June.

*Artificial Lights*

43. No person shall use artificial lights for the taking of fish.

*Use of Dynamite*

44. No person shall use dynamite or other explosive material for the taking or destruction of fish or in a manner which would cause the unnecessary destruction of fish.

*Guides*

45. Where an angler engages a guide, he shall not include the guide as one of his number when computing the number or quantity of fish he may take under these regulations.

*Importation and Transfer of Fish*

46. Except with the consent of the Minister of Lands and Forests, no person shall,—

- (a) import into Ontario any live fish, including minnows; or
- (b) transfer fish from one body of water to another within Ontario.

**Fisheries Act—continued**

*Export of Fish by Non-Residents*

47. Fish exported from Ontario by non-residents shall not be skinned or cut up in such a manner as to make it impossible to identify the fish or determine the number of fish being exported.

*Restrictions on Use of Nets*

48. (1) No person shall fish with nets during the months of June, July and August in that portion of the Bay of Quinte lying west of a line drawn from Green Point in the County of Prince Edward to the easterly limit of the Town of Deseronto in the County of Hastings.

(2) There shall be set apart and reserved for fishing for hatchery purposes that portion of the Bay of Quinte lying between the Belleville Highway Bridge and a line drawn from Horse Point in the County of Prince Edward to the wharf of the Lehigh Cement Works in the County of Hastings.

49. No person shall set or place nets other than dip nets, hoop nets or minnow seines, in any river or creek or within one thousand yards of either side of the entrance thereto, but this shall not apply to carp and sucker fishing or to the Ottawa River and Lake St. Francis during such periods as the Province of Quebec grants gill net licences for use therein.

50. (1) Where a gill net has a greater depth or vertical width than thirty-six meshes, it shall be known as a bull net.

(2) A bull net shall not be used in waters other than Lake Erie.

(3) A bull net not exceeding one hundred meshes may be used in Lake Erie during such periods as any state of the United States of America grants a similar privilege for Lake Erie.

*Mesh of Nets*

51. Subject to sections 52, 53 and 54, the mesh of gill nets used to catch ciscoes or herring shall be not less than three inches extension measure.

52. (1) In waters of Lake Superior, Georgian Bay, North Channel and Lake Huron less than ten fathoms or more than fifty fathoms deep, the mesh of gill nets used to catch ciscoes or herring shall be not less than two and one-half inches extension measure.

(2) In waters of Lake Superior, Georgian Bay, North Channel and Lake Huron less than eight fathoms deep, the mesh of gill nets used to catch ciscoes or herring shall be not less than two and one-quarter inches extension measure.

(3) In waters of Georgian Bay less than five fathoms deep, the mesh of gill nets used to catch herring for local consumption only shall be not less than two and one-eighth inches extension measure.

(4) In Lake Superior, Georgian Bay, North Channel and Lake Huron gill nets having a mesh of not less than one and one-half inches and not more than two inches extension measure may be used to secure bait, but no person shall barter, sell, or have in his possession for any purpose other than bait, any fish taken in such nets.

53. (1) In Lake Erie the mesh of gill nets of cotton manufacture used to catch ciscoes or herring shall be not less than three inches extension measure when the nets are new and two and seven-eighths inches extension measure after the nets have been in use.



**Fisheries Act—continued**

(2) In Lake Erie the mesh of gill nets of linen manufacture used to catch ciscoes or herring shall be not less than two and fifteen-sixteenths inches extension measure when the nets are new and two and seven-eighths inches extension measure after the nets have been in use.

54. In Lake Ontario the mesh of gill nets used to catch ciscoes or herring shall,—

- (a) in waters at least one hundred and fifty feet deep, be not less than two and three-quarters inches extension measure; and
- (b) in waters at least one hundred and eighty feet deep, be not less than two and one-half inches extension measure.

55. (1) In Lake Erie the mesh of gill nets used to catch whitefish and lake trout shall be not less than four and three-quarter inches extension measure, but this shall not come into operation until the States of Michigan, New York, Ohio and Pennsylvania, in the United States of America, pass a similar regulation affecting Lake Erie.

(2) In waters other than Lake Erie the mesh of gill nets used to catch whitefish and lake trout shall be not less than four and one-half inches extension measure.

56. In Lake Erie no person shall use gill nets having mesh of more than three and one-eighth inches extension measure and less than four and three-quarters inches extension measure, but this shall not come into operation until the States of Michigan, New York, Ohio and Pennsylvania in the United States of America pass a similar regulation.

57. (1) The mesh of gill nets to catch sturgeon shall be not less than twelve inches extension measure.

(2) For catching sturgeon in waters other than the Great Lakes the Minister of Lands and Forests may authorize the use of gill nets having a mesh of not less than ten inches extension measure.

58. Gill nets shall be used only in such places and at such times as mature fish will be caught.

59. The mesh of pound nets for use in waters other than the Great Lakes shall be not less than six inches extension measure in the leads and hearts and four inches extension measure in the crib or pot.

*Disputes*

60. Where a dispute arises as to the extension measure of the mesh of a net, it shall be referred to the Minister of Lands and Forests for settlement.

**7. Special Fishery Regulations for the Province of Manitoba**

P.C. 5756

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

**Fisheries Act—continued**

1. The Special Fishery Regulations for the Province of Manitoba, established by P.C. 5354 of 31st December 1947, as amended, are hereby revoked; and

2. The annexed "Special Fishery Regulations for the Province of Manitoba" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

SPECIAL FISHERY REGULATIONS FOR THE PROVINCE OF MANITOBA

INTERPRETATION

"angling" means taking or attempting to take fish by means of a hook and line held in the hand, or with a hook and line and rod, the latter held in the hand, and includes trolling and not set-lines or lines tied to a boat or the use of more than two baited hooks.

"commercial licence" includes a fishing vessel or skiff or any other licence which authorizes the licensee to catch fish for sale or barter or any other commercial purpose.

"Department" means the Department of Mines and National Resources of the Province of Manitoba.

"domestic licence" means a licence which authorizes fishing for the use of the licensee and his family but not for sale or barter.

"extension measure when in use" shall mean the distance between the extreme angles of any single mesh, measured between and inside the knots after the twine has been saturated in the water and extended without strain. (Any dispute as to measurement shall be submitted to the Department of Mines and National Resources, Winnipeg, and the Director of Game and Fisheries, or such other person as the Minister may designate, shall be the sole and final judge of such measurements.)

"fishing vessel" means any boat which is used in fishing for, catching or taking fish for commercial purposes other than a skiff.

"gill-net" means and includes a net that catches fish by enmeshing them but which does not enclose an area of water.

"Minister" means the Minister of Mines and Natural Resources of the Province of Manitoba.

"non-resident" means a person who has not resided, or a firm, none of the partners of which has resided, or a corporation which has not had a place of business, in Manitoba for a period of six months preceding the date that residence becomes material under the provisions hereof.

"Officer" means and includes any Inspector of Fisheries, Fishery Officer or Fish Guardian employed by the Department of Mines and Natural Resources of the Province of Manitoba or any Police Constable, Police Officer and any other officer or person authorized to assist in the enforcement of the Fisheries Act and regulations made thereunder.

"one day" means from sunrise to sunset.

"skiff" means a boat not exceeding twenty feet in length, manned by one man.

**Fisheries Act—continued**

The terminology "that ice makes" means when ice forms of sufficient thickness to safely permit fishing operations being carried on through the ice.

"fishing station" means any building or place where fish are received from fishermen or packed or received and packed.

"fishing grounds" means any waters inhabited by species of fish taken in commercial fishing operations.

"sturgeon fishing station" means any building or place where sturgeon are received from fishermen or packed or received and packed or where sturgeon are landed and "dressed".

"sturgeon fishing grounds" means any lake or river or other waters in which sturgeon exist naturally.

**1. ANGLING**

1. Angling is prohibited except during the following seasons:

- (a) For lake trout, speckled or brook trout north of the 53rd Parallel of North Latitude from the fifteenth day of April to the fifteenth day of September in each year, both days inclusive, and south of the 53rd Parallel of North Latitude from the fifteenth day of April to the twenty-fourth day of September in each year, both days inclusive.
- (b) For Arctic Grayling from the sixteenth day of June to the thirty-first day of October in each year, both days inclusive.
- (c) For maskinonge, pike, pickerel, perch, sauger, goldeye and moon-eye the season shall begin on the Saturday that falls on or that is nearest to and not more than three days before or after the 15th day of May in each year, and shall end on the 31st day of October in each year, both days inclusive.
- (d) For large mouthed or small mouthed black bass from the first day of July to the thirty-first day of October in each year, both days inclusive.
- (e) Fishing or angling for sturgeon is prohibited at all times.
- (f) A winter angling season from the eleventh day of November in each year to the fifteenth day of February in the year next following, both days inclusive, shall be permitted in Oak Lake, Star Lake and Jessica Lake, and the fee for such winter angling licence shall be two dollars and fifty cents (\$2.50).

2. (a) No non-resident of the province shall engage in angling except under licence issued by authority of the Minister.

(b) No resident of the province shall engage in angling during the winter angling season, except under a licence issued by authority of the Minister.

3. A licence to non-residents may be issued:

- (a) For an individual licence for the season except as provided in clause (c) hereof ..... \$5.50
- (b) For a family licence for the season to include two adults and two children under sixteen years of age permitting the use of not more than four rods or four lines in all ..... \$8.00
- (c) For an individual licence for the season to any *bona fide* resident of Canada ..... \$3.25



**Fisheries Act—continued**

4. A licensee must carry his licence with him when engaged in angling and produce it at the request of any officer.

5. An angling licence is not transferable and authorizes angling only by the person named therein.

*Per Diem Catch*

6. No person whether resident or non-resident and whether under the authority of a licence or not shall in angling in any one day take or retain

- (a) more maskinonge than two fish;
- (b) more large mouthed or small mouthed black bass than six fish;
- (c) more lake trout than six fish;
- (d) more speckled trout than six fish;
- (e) more pickerel (wall-eyed pike) than eight fish;
- (f) more sauger than ten fish;
- (g) more Arctic grayling than six fish;
- (h) more pike than eight fish;
- (i) more goldeye or mooneye than six fish;
- (j) more perch than ten fish;
- (k) more fish of any and all species than ten fish;

provided it shall be permissible for the holder of a family licence to catch or retain not more than double the numbers hereinbefore specified.

*Size Limits*

7. No maskinonge less than twenty-four inches in length, nor lake trout less than sixteen inches in length, nor pickerel (Dore) less than fifteen inches in length, nor pike less than fifteen inches in length, nor Arctic grayling less than eleven inches in length, nor goldeye less than ten inches in length, nor mooneye less than ten inches in length, nor speckled or brook trout less than eleven inches in length, nor sauger less than eleven inches in length, nor large mouthed or small mouthed black bass less than ten inches in length, nor perch less than eight inches in length, shall be retained or kept out of the water, and anyone who takes or catches any such fish of less than the minimum measurement stated for that species—which measurement shall be from the point of the nose to the centre of the tail—shall return such fish to the water from which it was taken, alive and if possible uninjured. (In handling under-sized fish, care should be taken to have the hands wet, otherwise the fish may not survive.)

8. No person shall for export from the province, sell, trade, or barter or offer for sale, trade or barter, or purchase any fish caught by angling.

9. No person fishing by angling shall use more than one rod and line or one line, and the use of more than two fishhooks or two lures on one line is prohibited.

10. (a) No person fishing by angling shall have in possession at any time more than twenty (20) fish in the aggregate of any or all species provided that no more than twice the per diem number of any species as provided in paragraphs (a), (b), (c), (d), (e), (g), (h), (i) of subsection 6 of section 1 (Angling) shall be included in the said twenty (20) fish.

**Fisheries Act—continued**

- (b) A non-resident shall be permitted to export from the province not more than the aforesaid possession limit as described in paragraph (a) hereof, provided that such export shipment shall be accompanied by the shipping or export coupon detached from the licensee's non-resident angling licence.
- (c) When the said shipping or export coupon is detached from a non-resident angling licence the holder thereof shall be permitted to take or retain no more than a one day take of fish as stipulated in subsection 6 hereof.
- (d) A non-resident angler is permitted to ship or export not more than the number of fish provided for in the shipping or export coupons attached to his angling licence.

11. The Minister may authorize to be set apart any river or other water in the province for the natural or artificial propagation of fish.

**2. DOMESTIC AND COMMERCIAL FISHING**

1. No one shall engage in fishing for domestic or commercial purposes except under licence issued by authority of the Minister.

2. No person other than a British Subject who is a resident of the Province shall be eligible for a licence to engage in domestic or commercial fishing.

3. A domestic licence may be issued to any resident of the Province not in possession of a commercial licence, which except as otherwise provided in these Regulations will entitle him or a member of his family to fish with not more than one hundred (100) yards of gill-net. Fish caught under such licence shall be for domestic use of the licensee and his family only and not for sale or barter and the fee for such licence shall be one dollar (\$1.00). The mesh of the gill-net used thereunder shall conform to the sizes prescribed for commercial fishing purposes during the season and in the waters in which such net is used, except that in Lake Winnipeg during the months of July and August in each year nets of a mesh of not less than three and one-eighth inches ( $3\frac{1}{8}$ ") may be used.

4. Domestic fishing under a domestic fishing licence shall be permissible only on Thursdays and Fridays during the period from the first day of June to the thirty-first day of October in each year, both days inclusive, and no domestic fishing licences shall be issued permitting domestic fishing in that part of the Winnipeg River extending from the eastern end of Natalie Lake in Township Fourteen (14), Range twelve (12) east of the principal meridian, easterly to the Manitoba-Ontario boundary, including extensions of the said river known as Sylvia, Eleanor, Margaret, Dorothy and Jessie Lakes.

5. A Treaty Indian shall be eligible for a domestic licence which shall be issued to him free of charge and which shall entitle him or a member of his family to fish with not more than one hundred (100) yards of gill-net for domestic use of the licensee and his family only, but not for sale or barter. Other provisions of these regulations to the contrary notwithstanding fishing under such licence for necessary daily consumption for the licensee and his family may be carried on at any time, but if more fish be taken in any one day than are needed for the consumption of the licensee and his family for that day the net shall not be again placed in the water until the fish taken have been used. The mesh of the gill-net used by any Treaty Indian thereunder shall conform to the sizes prescribed for commercial fishing purposes in the waters in which such net is used.

**Fisheries Act—continued**

6. No person fishing under a domestic fishing licence shall have in his possession at any one time a quantity greater than one hundred (100) pounds in the aggregate of any or all species of fish.

7. No person shall fish for or catch by means of a gill-net, any speckled trout, rainbow trout, black bass or Arctic grayling, and no person shall fish in any waters set aside, by authority, for the propagation and conservation of fish.

**3. LAKE WINNIPEG**

1. Except as hereinafter provided, fishing for commercial purposes is prohibited, including

- (a) Sturgeon Bay south of a straight line drawn from Bushkega Point on the east shore to Clark Point on the west shore of the said Bay save during the winter season, as provided in Subsection 9 hereof.
- (b) In that part of Lake Winnipeg situated north of a straight line drawn from Catfish Point on the east shore to Cathead, and a straight line drawn from Bushkega Point to Clark Point on the west shore excepting during the period of summer fishing for whitefish, as provided in Subsection 5 hereof.
- (c) In that part of Lake Winnipeg enclosed by and lying west of a straight line drawn from the most south-westerly point of land in the eastern half of Township 46, Range 10, W.P.M. to the northern tip of the long point of land situated in the south-western part of Township 45, Range 10, W.P.M., excepting during the winter season as provided in subsection 13 hereof.

2. Fishing for commercial purposes is prohibited at any time,

- (a) In that portion of Limestone Bay and the lake lying to the west and north of a line drawn from the most southerly point of Limestone Point to the most northerly point of Eagle Island; thence south and west along the shore of Eagle Island to the most westerly point thereof and thence west magnetic to the west shore of the lake.
- (b) In the waters of the Saskatchewan River between the outlet of Cross Lake and Lake Winnipeg.
- (c) In that portion of Lake Winnipeg lying to the east of a straight line drawn from Pigeon Point to Flathead Point.
- (d) Within a radius of one mile from the mouth of any stream flowing into Lake Winnipeg, or
- (e) In any narrows less than two miles in width whether such narrows be between the mainland and the mainland, between mainland and an island or between islands or within a radius of one mile outside such narrows, unless a straight continuous passage of at least one-third ( $\frac{1}{3}$ ) of the width of such narrows and areas outside thereof is kept open and free of nets throughout.

3. Except as provided in paragraphs (d), (e) and (f), of subsection 5 of Section 3 (Lake Winnipeg) at no time nor for any purpose shall nets having mesh less than five and one-quarter inches ( $5\frac{1}{4}$ " extension measure when in use be used in that portion of Lake Winnipeg lying to the north of two straight lines, one drawn from the westerly tip of Catfish Point to the northeastern point of Commissioner Island and the other from the northwestern point of said Commissioner Island to the northerly tip of Lynx Point on the western shore of the said lake.



**Fisheries Act—continued**

4. Fall fishing for pickerel for commercial purposes is prohibited in all that portion of Fisher Bay lying south of the northern boundary of Township 31.

*Summer Fishing*

5. (a) Summer fishing for whitefish for commercial purposes except as herein otherwise provided is permitted in that portion of Lake Winnipeg lying to the north of two straight lines, one drawn from the Western tip of Catfish Point to the northeastern point of Commissioner Island and the other from the northwestern point of said Commissioner Island to the northern tip of Lynx Point on the western shore of the said lake, but not including the areas described in paragraph (a) subsection 1 of section 3 (Lake Winnipeg) and paragraph (f) of subsection 5 of Section 3 (Lake Winnipeg) up to a limit of three million (3,000,000) pounds of whitefish and one hundred and fifty thousand (150,000) pounds of pickerel caught in whitefish nets during the period commencing on the second Monday in June in each year and terminating on the last Saturday in July following, both days inclusive, and a summer fishing vessel licence shall authorize the use of not more than five thousand (5,000) yards of gill-net, the mesh of which shall be not less than five and one-quarter inches ( $5\frac{1}{4}$ " ) extension measure when in use, and the fee for such licence shall be fifty dollars (\$50.00).
- (b) Not more than one hundred and fifty (150) fishing vessel licences shall be issued for summer fishing for whitefish in Lake Winnipeg in any season and of the said number of licences not more than twenty-five (25) licences shall be issued as joint licences.
- (c) Not more than twenty-four thousand (24,000) pounds of whitefish and one thousand (1,000) pounds of pickerel caught in whitefish nets shall be taken under the authority of any such joint licence in any season and not more than nineteen thousand and four hundred (19,400) pounds of whitefish and one thousand (1,000) pounds of pickerel caught in whitefish nets shall be taken under a full licence in any season.
- (d) Summer fishing for pickerel is permitted in the areas hereinafter specified from the second Monday in June in each year to the tenth day of July following, both days inclusive, providing that the licensee shall immediately terminate fishing operations if his individual limit of two thousand five hundred (2,500) pounds of pickerel and whitefish taken in pickerel fishing operations is sooner caught.
- (e) A summer pickerel fishing licence shall authorize the use of a skiff with five hundred (500) yards of gill-net, the mesh of which shall be not less than four and one-quarter inches ( $4\frac{1}{4}$ " ) extension measure when in use, and the fee for such licence shall be five dollars (\$5.00) and such licence shall be issued only to *bona fide* residents of the respective areas.
- (f) Summer pickerel fishing shall be permitted in the following described areas:

In Sturgeon Bay south of a straight line drawn from Bushkega Point to Clark Point on the west shore of the lake with the issuance of not more than thirty (30) licences.

**Fisheries Act—continued**

In the Grand Rapids area in that portion of Lake Winnipeg within one mile from shore between the points locally known as Eating Point and Reef Point.

In the Berens River area, east of a straight line drawn from Flathead Point to Barrel Rock and from thence to Sandy Bar.

In the Big Black River area, east of a line drawn from Bird-nest Point to the point locally known as Pearson Point situated south of Big Black River.

In the Mossy Bay area north and east of a straight line drawn from the intersection of the eastern boundary of Township 56, Range 8, west of the principal meridian with the north shore of Lake Winnipeg to Big Mossy Point, thence in a straight line to Montreal Point on the east shore of the lake.

In the Granite Quarry, Matheson Island area.

In that portion of Lake Winnipeg enclosed within the following described lines:

Commencing at the most westerly point of Rabbit Point on the east shore of the said lake, thence southerly in a straight line to the most easterly point of Black Bear Island, thence following the southern shore line of the said island in a general southwesterly direction to the most westerly point of the said Black Bear Island, thence southeasterly in a straight line to the most northerly point of Matheson Island, thence southerly following the eastern shore line of the said Matheson Island to the north boundary of Township 31, thence easterly along the said north boundary to its second intersection with the shore line of the said lake thence following the sinuosities of the said shore line in a southerly direction to the north boundary of Township 29, thence easterly in a straight line to the most northerly point on the mainland in Section 19, Township 29, Range 7, east of the principal meridian, thence following the sinuosities of the shore line of the said lake in a general northerly direction to the point of commencement.

In the Poplar Point area:

East of a straight line drawn from the most northwestern tip of Poplar Point to the southwestern tip of the point of land approximately one-half mile south of the intersection of the north boundary of Township 47 and the shore line of the lake.

6. Summer fishing for sunfish (Sheepshead), catfish, jackfish (pike) and mullets (suckers) for commercial purposes is permitted in that portion of Lake Winnipeg which lies to the south of the following described line: commencing at the most westerly tip of Observation Point on the east shore of Lake Winnipeg due west astronomically through Hecla Island to intersect the west shore line of said lake during the period commencing on the second Monday in June in each year and terminating on the last Saturday in July following, both days inclusive. A summer sunfish (Sheepshead) licence shall authorize the use of not more than five hundred

**Fisheries Act—continued**

(500) yards of gill-net, the mesh of which shall be not less than five and one-quarter inches ( $5\frac{1}{4}$ " ) nor greater than five and one-half inches ( $5\frac{1}{2}$ " ) extension measure when in use and the fee for such licence shall be ten dollars (\$10.00).

*Fall Season*

7. (a) Fall fishing for pickerel for commercial purposes, except as herein otherwise provided, is permitted during the period commencing on the tenth day of September in each year and terminating on the thirty-first day of October following, both days inclusive, in that portion of Lake Winnipeg, lying to the south of two straight lines, one drawn from the westerly tip of Catfish Point to the northeastern point of Commissioner Island and the other from the northwestern point of said Commissioner Island to the northerly tip of Lynx Point on the western shore of the said lake and to the north of the following described line: commencing at the most westerly tip of Rabbit Point on the east shore of the said lake to the most southerly point of the island approximately two miles southeasterly from Jackhead Island; thence in a straight line westerly to the intersection of the southern boundary of Indian Reserve No. 43 and the western shore line of the said lake, provided that no nets shall be set at any time within a distance of one-half mile from the eastern, southern and western shore line of the said Commissioner Island. A fishing licence shall authorize the use of not more than five thousand (5,000) yards of gill-net and a skiff fishing licence shall authorize the use of not more than fifteen hundred (1,500) yards of gill-net, the mesh of which shall be not less than four and one-quarter inches ( $4\frac{1}{4}$ " ) nor greater than four and one-half inches ( $4\frac{1}{2}$ " ) extension measure when in use and the fees for such licences shall be fifty dollars (\$50.00) and fifteen dollars (\$15.00) respectively.
- (b) Fishing for pickerel for commercial purposes is permitted during the period commencing on the tenth day of September in each year and terminating on the thirty-first day of October following, both days inclusive, in that portion of Lake Winnipeg bounded as follows: on the south by a straight line drawn from the most westerly tip of Observation Point on the east shore of Lake Winnipeg due west astronomically through Hecla Island to intersect the west shore line of the said lake; and on the north by a straight line drawn from the most westerly tip of Rabbit Point on the east shore of the said lake to the most southerly point of the island approximately two miles southeasterly from Jackhead Island; thence in a straight line westerly to the intersection of the south boundary of Indian Reserve No. 43 and the western shore line of the said lake. A fishing vessel licence shall authorize the use of not more than five thousand (5,000) yards of gill-net and a skiff fishing licence shall authorize the use of not more than fifteen hundred (1,500) yards of gill-net, the mesh of which shall be not less than three and three-quarter inches ( $3\frac{3}{4}$ " ) or not greater than four and one-quarter inches ( $4\frac{1}{4}$ " ) extension measure when in use and the fees for such licences shall be fifty dollars (\$50.00) and fifteen dollars (\$15.00) respectively.
- (c) No person who obtains a licence under subsection 7 (a) hereof shall be entitled to a licence under subsection 7(b) hereof, and no person who obtains a licence under subsection 7(b) hereof shall be entitled to a licence under subsection 7(a) hereof.



**Fisheries Act—continued**

- (d) Fishing for commercial purposes is permitted during the period commencing on the tenth day of September in each year and terminating on the thirty-first day of October following, both days inclusive, in that portion of Lake Winnipeg lying to the south of a straight line drawn from the most westerly tip of Observation Point on the east shore of Lake Winnipeg due west astronomically through Hecla Island to intersect the west shore line of the said lake; and a skiff fishing licence shall authorize the use of not more than one thousand five hundred (1,500) yards of gill-net, the mesh of which shall be not less than three and three-quarter inches ( $3\frac{3}{4}$ " ) extension measure when in use or one thousand five hundred (1,500) yards of gill-net, the mesh of which shall be not less than four and one-quarter inches ( $4\frac{1}{4}$ " ) extension measure when in use, and the fee for such licence shall be fifteen dollars (\$15.00).

*Winter Season*

8. Winter fishing for whitefish for commercial purposes, except as herein otherwise provided, is permitted in that part of the lake lying to the south of a straight line drawn from Catfish Point on the east shore to Cathead on the west shore during the period commencing on the first day that ice makes after the tenth of November and terminating on the second Saturday in March in the year next following, both days inclusive, and a winter whitefish licence shall authorize the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall not be less nor more than one-quarter inch ( $\frac{1}{4}$ " ) greater than five and one-quarter inches ( $5\frac{1}{4}$ " ) extension measure when in use and the fee for such licence shall be twenty dollars (\$20.00).

9. Winter fishing for pickerel for commercial purposes, except as herein otherwise provided, is permitted in that part of the lake lying to the south of a straight line drawn from Catfish Point on the east shore of the lake to Cathead on the west shore of the lake during the period commencing on the first day after the tenth of November that ice makes and terminating on the second Saturday in March in the year next following, both days inclusive, and in that part of Sturgeon Bay south of a straight line drawn from Bushkega Point to Clark Point on the west shore during the period commencing the first day of January in each year and terminating on the second Saturday in March following, both days inclusive. A winter pickerel licence shall authorize the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall not be less nor more than one-quarter inch ( $\frac{1}{4}$ " ) greater than four and one-quarter inches ( $4\frac{1}{4}$ " ) extension measure when in use and the fee for such licence shall be twenty dollars (\$20.00).

10. Winter fishing for goldeyes for commercial purposes, except as herein otherwise provided, is permitted in all that portion of Fisher Bay lying to the south of the northern boundary of Township 31, during the period commencing on the first day after the tenth of November in each year that ice makes and terminating on the second Saturday in March in the year next following, both days inclusive, and a winter goldeye licence shall authorize the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than three and three-quarter inches ( $3\frac{3}{4}$ " ) extension measure when in use and the fee for such licence shall be twenty dollars (\$20.00).

11. Winter fishing for saugers for commercial purposes, except as herein otherwise provided, is permitted during the period commencing on

**Fisheries Act—continued**

the first day after the tenth of November that ice makes and terminating on the second Saturday in March in the year next following in that part of Lake Winnipeg lying to the south of a straight line drawn from Catfish Point on the east shore of the lake to Cathead on the west shore of the lake, provided sauger fishing shall not be permissible in Fisher Bay as described in subsection 10 thereof. A winter sauger licence shall authorize the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall not be less than three inches (3") nor greater than three and one-quarter inches ( $3\frac{1}{4}$ ") extension measure when in use and the fee for such licence shall be twenty dollars (\$20.00).

12. Winter fishing for whitefish for commercial purposes is permitted in that part of Lake Winnipeg lying to the south and west of a straight line drawn from the most easterly part of Long Point to Pony Island and thence westerly to the nearest point on the main shore from the first day of January in each year to the second Saturday in March next following, both days inclusive, up to a limit of one hundred and seventy-five thousand (175,000) pounds of whitefish and pickerel taken in the whitefish operation. A winter whitefish licence for the aforesaid part of Lake Winnipeg shall authorize the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than five and one-quarter ( $5\frac{1}{4}$ ") inches nor greater than five and one-half ( $5\frac{1}{2}$ ") inches extension measure when in use, and the fee for such licence shall be twenty dollars (\$20.00). Such licences shall be issued only to *bona fide* residents actually living in the Grand Rapids settlement or in the immediate vicinity thereof.

13. Winter fishing for whitefish for commercial purposes is permitted in that portion of Lake Winnipeg described as follows: All that portion of Lake Winnipeg contained within the following limits, namely: commencing at the eastern end of Long Point, thence south-easterly in a straight line to the most northerly point of Reindeer Island, thence southerly along the shore line on the western side of the said island to its most southerly point, thence westerly in a straight line to Morass Point, thence northwesterly, thence easterly along the shore line of the said lake to the point of commencement, from the first day of January in each year to the second Saturday in March next following, both days inclusive, up to a limit of four hundred thousand (400,000) pounds. A winter whitefish licence for the aforesaid portion of Lake Winnipeg shall authorize the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than five and one-quarter ( $5\frac{1}{4}$ ") inches nor greater than five and one-half inches ( $5\frac{1}{2}$ ") extension measure when in use; provided that not more than sixty-five (65) licences shall be issued in any one season for winter fishing for whitefish in the portion of Lake Winnipeg above herein described, and the fee for such licence shall be twenty dollars (\$20.00).

**4. LAKE ST. MARTIN**

1. Commercial fishing in Lake St. Martin is permitted in the winter season only commencing on the fourth Monday in November and terminating on the second Saturday in March in the year next following, both days inclusive, and a winter fishing licence shall authorize the use of not more than one thousand (1,000) yards of gill-net the mesh of which shall not be less than three and three-quarter inches ( $3\frac{3}{4}$ ") nor greater than four

**Fisheries Act—continued**

and one-quarter inches ( $4\frac{1}{4}$ " extension measure when in use, and the fee for such licence shall be ten dollars (\$10.00) and such licence shall be issued only to local residents, actually living in the immediate vicinity of the said lake.

**5. LAKE WINNIPEGOSIS**

1. Except as hereinafter provided fishing for commercial purposes in Lake Winnipegosis is prohibited.

2. Fall fishing for pickerel for commercial purposes, except as herein otherwise provided, is permitted up to a limit of one million and seventy-seven thousand (1,077,000) pounds of pickerel, goldeyes and whitefish caught, in pickerel nets during the period commencing on the second last Monday in July in each year and terminating on the first Saturday in September following, both days inclusive, and a fall fishing vessel licence shall authorize the use of not more than five thousand (5,000) yards of gill-net and a fall skiff fishing licence shall authorize the use of not more than one thousand five hundred (1,500) yards of gill-net, the mesh of which for both of the said fishing vessel and skiff fishing licences shall be not less than four and one-quarter inches ( $4\frac{1}{4}$ " extension measure when in use, and the fees for such licences shall be forty dollars (\$40.00) and fifteen dollars (\$15.00) respectively.

3. Not more than thirty-seven (37) fishing vessel licences and not more than forty-three (43) skiff fishing licences shall be issued in any one fall fishing season, and of the said number of fishing vessel licences, not more than eight (8) shall be issued as joint licences.

4. In any one fall fishing season not more than twenty thousand (20,000) pounds of pickerel and goldeyes and whitefish shall be taken on a fall fishing vessel licence and not more than twenty-four thousand five hundred (24,500) pounds of pickerel and goldeyes and whitefish shall be taken on a joint fishing vessel licence and not more than seven thousand (7,000) pounds of pickerel and goldeyes and whitefish shall be taken on a skiff fishing licence.

*Winter Season*

5. Fishing for commercial purposes is permitted up to a limit of five million (5,000,000) pounds in the aggregate of pickerel, saugers, perch, tullibee and whitefish during the period commencing on the first day after the tenth day of November that ice makes in each year, and terminating on the fifteenth day of February in the year next following, both days inclusive, providing that the season shall close immediately if and when the aforesaid limit of five million (5,000,000) pounds is caught.

6. A winter fishing licence shall authorize the use of not more than four thousand (4,000) yards of gill-net, the mesh of which shall be not less than four and one-quarter inches ( $4\frac{1}{4}$ " extension measure when in use, and the fee for such licence shall be twenty dollars (\$20.00).

7. Not more than six hundred (600) commercial fishing licences shall be issued in any one season and not more than two hundred (200) of the said commercial fishing licences shall be commercial Fishing Operators licences.

**6. WATERHEN LAKE**

1. Except as hereinafter provided, fishing for commercial purposes in Waterhen Lake is prohibited.



**Fisheries Act—continued**

2. Commercial fishing in Waterhen Lake is permitted in the winter season only commencing on the first day after the tenth day of November in each year that ice makes and terminating on the fifteenth day of February in the year next following, both days inclusive, and a winter licence shall authorize the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall be not less than four inches (4") extension measure when in use, and the fee for such licence shall be ten dollars (\$10.00) and such licence shall be issued only to local residents actually living in the immediate vicinity of the said lake.

**7. LAKE MANITOBA**

1. Except as hereinafter provided, fishing for commercial purposes in Lake Manitoba is prohibited.

*Winter Season*

2. Fishing for commercial purposes is permitted up to a limit of five million five hundred thousand (5,500,000) pounds in the aggregate of pickerel, saugers, perch and tullibee, during the period commencing on the first day after the fifteenth day of November in each year that ice makes, and terminating on the twenty-second day of February in the year next following, both days inclusive, providing that the season shall close immediately if and when the aforesaid limit of five million five hundred thousand (5,500,000) pounds is caught.

3. A winter fishing licence shall authorize the use of not more than four thousand (4,000) yards of gill-net and the fee for such licence shall be twenty dollars (\$20.00). The mesh of gill-net used in such fishing shall be not less than three and three-quarter inches ( $3\frac{3}{4}$ ") extension measure when in use.

4. Not more than nine hundred (900) commercial fishing licences shall be issued in any one season and not more than three hundred (300) of the said commercial fishing licences shall be Commercial Fishing Operator licences.

**8. LAKE DAUPHIN**

1. Except as hereinafter provided fishing for commercial purposes is prohibited.

*Winter Season*

2. Winter fishing for commercial purposes is permitted up to a limit of three hundred thousand (300,000) pounds of all species of fish during the period commencing on the fifteenth day of November in each year and terminating on the thirty-first day of January in the year next following, both days inclusive, provided that the season shall close immediately if and when the said limit of three hundred thousand (300,000) pounds is caught or taken.

3. A winter fishing licence shall authorize the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall not be less than four inches (4") nor greater than four and one-quarter inches ( $4\frac{1}{4}$ ") extension measure when in use, and the fee for such licence shall be ten dollars (\$10.00).

**Fisheries Act—continued**

4. For winter fishing not more than one hundred and fifty (150) licences shall be issued in any one season, and in the allotment of said licences preference shall be given to parties who have held commercial fishing licences on Lake Dauphin for three or more consecutive years and to discharged veterans of His Majesty's Armed Forces.

**9. RED RIVER**

1. Except as hereinafter provided fishing for commercial purposes is prohibited in the Red River.

2. Fishing at any time or for any purpose is prohibited in those portions of the Red River:—

- (a) lying between the protection boom and the upper or south side of the locks; and
- (b) within five hundred (500) yards of the lower or northern side of the St. Andrews dam.

*Summer Fishing*

3. A catfish licence shall authorize only the use of one set line with not more than two hundred (200) baited hooks during the summer season. The fee for such licence shall be five dollars (\$5.00), and said summer season shall be the period commencing on the second Monday in June in each year and terminating on the first Saturday in August following, both days inclusive.

*Winter Fishing*

4. Fishing for commercial purposes is permitted during the period commencing on the first day after the tenth of November that ice makes and terminating on the second Saturday in March in the year next following, both days inclusive.

5. A winter fishing licence for coarse fish shall authorize the use of not more than five hundred (500) yards of gill-net, the mesh of which shall not be less than three and three-quarters inches ( $3\frac{3}{4}$ " ) extension measure when in use, and the fee for such licence shall be five dollars (\$5.00).

**10. MOOSE LAKE**

(north of the 53rd parallel of north latitude)

1. Except as hereinafter provided fishing for commercial purposes in Moose Lake is prohibited.

2. Winter fishing for commercial purposes is permitted in Moose Lake up to a limit of one hundred and twenty-five thousand (125,000) pounds of all species of fish (excluding jackfish and mullets (suckers)) during the period commencing on the third Monday in November and terminating on the fifteenth day of March in the year next following, both days inclusive, provided that if the fifteenth day of March falls on a Sunday all fishing shall cease at six o'clock on the afternoon of the fourteenth day of March.

3. A winter fishing licence for whitefish shall authorize the use of not more than one thousand (1,000) yards of gill-net, the mesh of which shall not be less than five and one-quarter inches ( $5\frac{1}{4}$ " ) nor greater than five and one-half inches ( $5\frac{1}{2}$ " ) extension measure when in use, and the fee for such licence shall be ten dollars (\$10.00).

**Fisheries Act—continued**

4. A winter fishing licence for pickerel shall authorize fishing in that portion of Moose Lake lying within the following described area: commencing at the most westerly point of Moose Lake Indian Reserve No. 31; thence in a northwesterly direction to the northeastern point of the Island locally known as Big Wave Island; thence in a northeasterly direction to the most southwesterly point of the Island locally known as Bacon's Island; thence following the southern shore line of the said island to the most easterly point of the said island; thence in a line due east approximately three-quarters ( $\frac{3}{4}$ ) of a mile to intersect the eastern shore line of Moose Lake; thence following the said shore line in a southerly direction to the north shore line of what is locally known as Pickerel Channel; thence continuing along the said shore line in an easterly and northerly direction to a point in Township 56, Range 17, West of the Principal Meridian where the western boundary line of the said Range 17 intersects the shore line of Moose Lake; thence in a straight line in a southeasterly direction to a point where the south boundary of the said Township 56 intersects the shore line of Moose Lake; thence following the sinuosities of the said shore line in a southerly and westerly direction to the point of commencement and such licence shall authorize the use of not more than one thousand (1,000) yards of gill-net, the mesh of which shall not be less than four and one-quarter inches ( $4\frac{1}{4}$ " ) nor greater than four and one-half inches ( $4\frac{1}{2}$ " ) extension measure when in use, and the fee for such licence shall be ten dollars (\$10.00) and such licences shall be issued only to *bona fide* residents actually living in the Moose Lake settlement and the immediate vicinity thereof.

5. Summer fishing for pickerel shall be permitted within the said described area of Moose Lake up to a limit of one hundred thousand (100,000) pounds of pickerel, and whitefish and goldeyes caught in pickerel nets during the following periods in each year, from the first Monday in June to the third Saturday in July following, both days inclusive, and from the second Monday in August to the third Saturday in September following, both days inclusive.

6. A summer fishing licence shall authorize the use of not more than five hundred (500) yards of gill-net, the mesh of which shall not be less than four and one-quarter inches ( $4\frac{1}{4}$ " ) nor greater than four and one-half inches ( $4\frac{1}{2}$ " ) extension measure when in use, and the fee for such licence shall be ten dollars (\$10.00) and such licences shall be issued only to *bona fide* residents actually living in the Moose Lake settlement or in the immediate vicinity thereof.

**11. CEDAR LAKE**

1. Except as hereinafter provided, fishing for commercial purposes in Cedar Lake is prohibited.

2. Winter fishing is permitted in Cedar Lake up to a limit of fifty thousand (50,000) pounds of all species of fish (excluding jackfish and suckers (mulletts) ) during the period commencing on the third Monday in November and terminating on the fifteenth day of March in the year next following, both days inclusive.

3. A winter fishing licence for pickerel shall authorize pickerel fishing in:

All that part of Cedar Lake lying to the south of a straight line drawn from the most easterly point of land in Township 51, Range 19



**Fisheries Act—continued**

W.P.M., to the most westerly point of the mainland in Township 51, Range 18, W.P.M., and such licence shall authorize the use of not more than one thousand (1,000) yards of gill-net, the mesh of which shall be not less than four and one-quarter inches ( $4\frac{1}{4}$ " ) nor greater than four and one-half inches ( $4\frac{1}{2}$ " ) extension measure when in use, and the fee for such licence shall be ten dollars (\$10.00) and such licences shall be issued only to *bona fide* residents actually living in the Cedar Lake settlement or in the immediate vicinity thereof.

4. Summer fishing for pickerel shall be permitted within the said described area of Cedar Lake up to a limit of one hundred thousand (100,000) pounds of pickerel and whitefish and goldeyes caught in pickerel nets during the following periods in each year, from the first Monday in June to the third Saturday in July following, both days inclusive, and from the second Monday in August to the third Saturday in September following, both days inclusive.

5. A summer fishing licence shall authorize the use of not more than five hundred (500) yards of gill-net, the mesh of which shall be not less than four and one-quarter inches ( $4\frac{1}{4}$ " ) nor greater than four and one-half inches ( $4\frac{1}{2}$ " ) extension measure when in use, and the fee for such licence shall be ten dollars (\$10.00) and such licences shall be issued only to *bona fide* residents actually living in the Cedar Lake settlement or in the immediate vicinity thereof, who have icing and transportation facilities.

**12. GRASSY (KISKITTOGISU) LAKE**

1. Except as hereinafter provided fishing for commercial purposes in Grassy (Kiskittogisu) Lake is prohibited.

2. Summer fishing for whitefish in Grassy (Kiskittogisu) Lake for commercial purposes is permitted up to a limit of fifty thousand (50,000) pounds during the season that summer fishing for whitefish is permitted from year to year on Lake Winnipeg.

3. A summer fishing licence shall authorize the use of not more than one thousand (1,000) yards of gill-net, the mesh of which shall not be less nor more than one-quarter inch ( $\frac{1}{4}$ " ) greater than five and one-quarter inches ( $5\frac{1}{4}$ " ) extension measure when in use and the fee for such licence shall be ten dollars (\$10.00).

4. Licences shall be limited to settlers and Indians of the immediate vicinity, including Norway House and Cross Lake.

**13. LAKE ATHAPAPUSKOW AND CRANBERRY LAKE**

Fishing for commercial purposes in Lake Athapapuskow and Cranberry Lake is hereby prohibited.

**14. CROSS LAKE (SASKATCHEWAN RIVER)**

Fishing for commercial purposes in Cross Lake (on the Saskatchewan River) is hereby prohibited.

**15. CORMORANT LAKE**

Fishing for commercial purposes for whitefish in Cormorant Lake is hereby prohibited.

**Fisheries Act—continued****16. PLAYGREEN LAKE**

Fishing for commercial purposes for whitefish in Playgreen Lake is prohibited.

**17. BUFFALO BAY—LAKE OF THE WOODS**

1. Except as hereinafter provided fishing for commercial purposes in Buffalo Bay, Lake of the Woods, is prohibited.

*Summer and Fall Season*

2. (a) Fishing for pickerel for commercial purposes, except as herein otherwise provided, is permitted from the first day of June in each year to the last Saturday in October following, both days inclusive.
- (b) A fishing vessel licence shall authorize the use of not more than five thousand (5,000) yards of gill-net and the fee for such licence shall be fifty dollars (\$50.00).
- (c) A skiff licence shall authorize the use of not more than fifteen hundred (1,500) yards of gill-net and the fee for such licence shall be fifteen dollars (\$15.00).
- (d) A pound-net licence shall authorize fishing by means of a pound-net at Buffalo Bay and the fee for such licence shall be fifty dollars (\$50.00).
- (e) The mesh of gill-net for pickerel fishing for commercial purposes shall not be less than four inches (4") nor greater than four and one-quarter inches (4 $\frac{1}{4}$ ") extension measure when in use.

*Winter Season*

3. (a) Fishing for commercial purposes is permitted during the period commencing on the first day after the tenth of November that ice makes and terminating the second Saturday in March in the year next following, both days inclusive.
- (b) A winter fishing licence for whitefish shall authorize the use of not more than two thousand (2,000) yards of gill-net, the mesh of which shall not be less nor more than one-quarter inch ( $\frac{1}{4}$ ") greater than five and one-quarter inches (5 $\frac{1}{4}$ ") extension measure when in use and the fee for such licence shall be twenty dollars (\$20.00).
- (c) A winter fishing licence for other than whitefish shall authorize the use of not more than two thousand (2,000) yards of gill-net and the mesh of such net shall not be less nor more than one-quarter inch ( $\frac{1}{4}$ ") greater than four and one-quarter inches (4 $\frac{1}{4}$ ") extension measure when in use and the fee for such licence shall be twenty dollars (\$20.00).

**18. OTHER WATERS**

1. Commercial fishing in lakes not specifically named elsewhere in these Regulations is permitted only under the authority of an Order of the Minister in writing and during the following seasons:

- (a) Winter season commencing the third Monday in November in each year and terminating on March fifteenth following, both days inclusive.

**Fisheries Act—continued**

- (b) Spring season commencing the first Monday in June in each year and terminating on the second Saturday in July following, both days inclusive.
- (c) Summer season commencing on the first Monday in June in each year and terminating on the first Saturday in August following, both days inclusive.
- (d) Fall season commencing on the third Monday in August in each year and terminating on the third Saturday in September following, both days inclusive.

2. Such Order shall authorize the use of not more than one thousand (1,000) yards of gill-net, the mesh of which shall be not less than five and one-quarter inches ( $5\frac{1}{4}$ " ) extension measure when in use for whitefish fishing, and not less than four and one-quarter inches ( $4\frac{1}{4}$ " ) extension measure when in use for pickerel and jackfish fishing, and the fee for such licence shall be ten dollars (\$10.00).

3. The Minister may if at any time he is of the opinion that it is in the public interest to do so, declare that commercial fishing may be carried on in any lake or water area only by residents residing in the vicinity of such lake or water area, and such declaration shall become effective on the publication thereof in the *Manitoba Gazette*.

4. The Minister may at any time rescind any Order made by him under the authority of this section.

**19. CLOSE SEASON—DOMESTIC FISHING**

1. Fishing for pickerel (Dore), saugers (blue pickerel), pike, perch or goldeye is prohibited from the first day of November in each year to the thirty-first day of May following, both days inclusive.

2. Fishing under domestic licence in Lake Dauphin shall not be permissible during the period November first in each year to May thirty-first following, both days inclusive.

**20. LIMITATION OF CATCH**

1. The total quantity of fish that may be taken in any season from any water in the Province not specified in these Regulations may be limited by the Minister from time to time and notice of any such limitation, stating clearly the water area and limitation, shall be published in the *Manitoba Gazette*, at least two weeks before the opening of the fishing season to which the said limitation is applicable.

2. When in the opinion of an officer any limit of catch specified in these regulations or any limit of catch determined by the Minister is reached or about to be reached in any fishing area the Minister, on receiving the report of such officer, shall give or cause to be given notice that the season for the said fishing area shall close on or at a certain time and any one or more of the following methods shall constitute notice hereunder:—

- (a) posting up by an officer a notice at any fishing station or camp near or in the vicinity of the said area that the fishing season will close at the time therein stated, or



**Fisheries Act—continued**

- (b) broadcast of radio message during the regular noon broadcast of news setting forth the time that the fishing season will close, or
- (c) publication of notice in the *Manitoba Gazette* setting forth the time that the fishing season will close.

3. All nets in use must be removed from the water in the said fishing area on or before the time stipulated in the said notice, and any person who neglects or refuses to so remove his fishing equipment shall be guilty of an offence against these regulations, and, in addition, his fishing equipment shall be liable to seizure and confiscation as well as all fish taken or which appear to have been taken after the expiration of the time stipulated in said notice for the close of said season.

**21. STURGEON FISHING**

1. Fishing for sturgeon for commercial purposes is prohibited.
2. The use of baited or unbaited hooks for the purpose of taking sturgeon is prohibited.
3. Baited or unbaited hooks shall be deemed to be in use for the purpose of taking sturgeon within the meaning of these Regulations:
  - (a) when in the vicinity of a sturgeon fishing station, or sturgeon fishing grounds, in any condition;
  - (b) when in a fishing vessel, in a freighting vessel, in a skiff, or in a canoe, in the vicinity of a sturgeon fishing station, or sturgeon fishing grounds;
  - (c) when actually in the water.

**22. MARKING OF BOATS AND NETS**

1. Every licensee, whether fishing under a commercial or domestic licence, shall mark in a legible manner, all boats, nets, buoys, and gangs of nets and in winter fishing all net stakes with the number of his licence preceded by the letters "C" or "D", as the case may be, to distinguish between a Commercial or Domestic licence. Such letter and number shall be painted on each boat in black upon a white ground on either side of the bow above the water line, and shall be not less than six (6) inches in height. The letter and number on the buoys shall be so placed as to be readily seen without raising the buoys from the water. The letter and number on the nets shall be so placed as to be readily seen when the nets are in boxes or on a reel, and the letter and number on net stakes shall be readily legible at all times.

2. All gangs of nets shall be marked at each end thereof
  - (a) during open water fishing, by a buoy surmounted by a flag, the top of which shall be at least three feet above the surface of the water, or
  - (b) during winter fishing, by a stake, the top of which shall be at least three feet above the surface of the ice.

**23. NETS—WHEN IN USE**

Gill-net or gill-netting shall be deemed to be in use within the meaning of these regulations:

- (a) when in the general vicinity of a fishing station or fishing grounds, in any condition;

**Fisheries Act—continued**

- (b) when actually in the water;
- (c) when in a fishing vessel, in a freighting vessel, or in a skiff.

**24. PREVENTING WASTAGE OF FISH**

For the purpose of preventing wastage of fish,

1. It is conditional on the granting of any licence authorizing commercial fishing during the open water season that:

- (a) Operations thereunder shall be conducted only by means of a vessel or skiff that is in a safe and seaworthy condition, and of a size sufficient to ensure daily operation and lifting of nets, and is so constructed and equipped as will ensure fish carried therein being kept out of water or bilge that may accumulate therein;
- (b) The licensee shall carry during operations thereunder by means of said vessel or skiff an adequate supply of crushed ice in which the catch shall be packed and shall provide a suitable cover for the catch;

and failure to comply with any or all of these conditions shall constitute a reason for ordering cessation of fishing operations under such licence by any fishery officer until all conditions are fully met to his satisfaction.

2. In any case where it is proved to the satisfaction of the Minister that the catch or any portion thereof of any licensee, shipped or packed by such licensee was not in a fit or satisfactory condition for human consumption, when shipped or packed, or was shipped or packed in filthy or unsanitary containers, the Minister may cancel his licence, and on second offence shall refuse him a licence for the fishing season immediately next following. The onus shall be upon the licensee to prove that the fish were in a fit or satisfactory condition for human consumption when packed or shipped, or that the containers were not in a filthy or unsanitary condition.

**25. KEEPING ICE CLEAN**

It shall be the duty of each licensee during each winter season to keep the ice about his net holes and where he is working clean from fish offal, unsaleable fish or other deleterious substances and he shall each day either remove from the ice to a suitable place on shore above high-water mark all such fish offal or other deleterious substances or place the same in boxes and remove it to the shore from time to time, or as instructed by an officer, where it shall be from time to time properly disposed of, but in any event before the end of the commercial winter fishing season.

**26. TIME OF SETTING GEAR**

It shall be unlawful for any person to place running lines, used for the setting of nets for fishing through the ice in the winter, at any time prior to the commencing date of the winter fishing season for the area in which such lines are used.

**27. WEEKLY CLOSED TIME**

Except during the winter season nets or baited hooks used for catching fish shall be so raised or adapted as to admit the free passage of fish through, by, or out of the same from six o'clock on every Saturday afternoon to six o'clock on every following Monday forenoon.

**Fisheries Act—continued****28. PROHIBITIONS**

1. Fishing, other than with gill-nets, dip-nets, baited hooks, or hoop or fyke nets, or by angling, shall be prohibited except in the waters of Lake of the Woods where it is permissible to use pound nets.

2. It shall be unlawful for any person to fish for, catch or kill any fish by means of spears, gaff hooks, snares, unbaited hooks, firearms, explosives, artificial lights, mechanical or luminous baits.

3. No person shall introduce into any of the waters of the Province any fish except by permission of the Minister.

4. Fishing for commercial purposes in all lakes in the Province is prohibited at all times

(a) within a radius of one mile from the mouth of any stream flowing into the said lake,

(b) in any narrows less than two miles in width whether such narrows be between the mainland and the mainland, between mainland and an island or between islands or within a radius of one mile outside such narrows, unless a straight continuous passage of at least one-third ( $\frac{1}{3}$ ) of the width of such narrows and areas outside thereof is kept open and free of nets throughout.

5. Except as expressly permitted or authorized by these regulations fishing at any place in the Province of Manitoba is prohibited.

6. No person shall be entitled to hold at any time more than one commercial fishing licence.

**29. APPLICATION**

1. These regulations shall apply to all portions of the Province of Manitoba except such areas as are or may be set aside as National Parks.

2. Where under these regulations any licence is required to be issued or any act to be done by or on behalf of the Crown or the Department such licence may be issued and act done by or under the direction of the Minister; always provided that in so far as these Regulations apply to tidal waters "Minister" shall mean the Minister of Fisheries for the Dominion of Canada.

3. All applications for commercial fishing licences shall be made in writing on the departmental form provided; and to be considered such applications must be filed in the office of the Director of Game and Fisheries not less than fourteen days before the opening of the commercial fishing season to which the said applications refer.

**30. LICENCE CANCELLATION**

Any licence issued under these Regulations shall be subject to cancellation at any time without compensation to the holder thereof, for any breach of these regulations, or if, in the opinion of the Minister, the operations under such licence have not been conducted in conformity with these regulations.



**Fisheries Act—continued**

**31. POWERS OF FISHERY OFFICERS**

1. Disputes between persons relative to fishing areas, or claims to fishery stations, or relative to the positions and use of nets and other fishing apparatus shall be settled by a fishery officer or by the Director of Game and Fisheries.

2. Fishery officers may determine or prescribe the distance between each and every fishery and shall forthwith remove any fishery apparatus or materials which the owner neglects or refuses to remove; and such owner shall be, moreover, liable for a violation of these regulations and for the cost of removing such apparatus and materials and any damages that may result therein.

**32. LICENCES—WINTER FISHING**

1. It shall be unlawful for any licensed commercial fisherman operating on Lake Winnipeg, or Lake Winnipegosis or Lake Manitoba during the winter fishing season to hire any person or persons to assist him in his commercial fishing operations unless he shall have obtained and is in possession of a valid and unexpired Commercial Fishing Operator licence which permits such hiring.

2. It shall be unlawful for any person to assist, or to hire out his services to assist a commercial fisherman in his commercial fishing operations during the winter fishing season unless he shall have obtained and is in possession of a valid and unexpired Hired Fisherman licence or a Commercial Fishing licence.

3. It shall be unlawful for any commercial fishing operator to obtain the services of more hired commercial fishermen than permitted by his Commercial Fishing Operator licence, and a commercial fishing operator shall be permitted to engage not more than two hired fishermen at one time.

4. During the winter fishing season on Lake Winnipeg, and Lake Winnipegosis and Lake Manitoba, and in addition to the provisions of subsections 8, 9, 10, 11, 12 and 13 of section 3, Lake Winnipeg; and subsection 6 of section 5, Lake Winnipegosis; and subsection 3 of section 7, Lake Manitoba, the Minister may issue or cause to be issued, Commercial Fishing Operator licences to permit the hire of two fishermen, the fee for which shall be fifty dollars (\$50.00) and Commercial Fishing Operator licences to permit the hire of one fisherman, the fee for which shall be thirty-five dollars (\$35.00). Every licensee under this section shall be required to take out a Hired Fisherman licence for each hired fisherman permitted, the fee for which shall be ten dollars (\$10.00).

5. In all commercially fished waters of the province not covered by section 3, Lake Winnipeg; section 5, Lake Winnipegosis; and section 7, Lake Manitoba, the Minister may issue, or cause to be issued during the winter fishing season, Commercial Fishing Operator licences to permit the hire of two fishermen, the fee for which shall be twenty dollars (\$20.00), and Commercial Fishing Operator licences to permit the hire of one fisherman, the fee for which shall be fifteen dollars (\$15.00). Every licensee under this section shall be required to take out a Hired Fisherman licence for each hired fisherman permitted, the fee for which shall be ten dollars (\$10.00).

**Fisheries Act—continued****8. Special Fishery Regulations for the Province of Saskatchewan**

P.C. 5695

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of Saskatchewan, established by Order in Council P.C. 1130 of 16th March, 1948, as amended, are hereby revoked; and

2. The annexed "Special Fishery Regulations for the Province of Saskatchewan" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

## SPECIAL FISHERY REGULATIONS FOR THE PROVINCE OF SASKATCHEWAN

## 1. INTERPRETATION

"angling" includes trolling and means the taking of fish with hook and line held in the hand, or hook and line and rod, the latter held in the hand, but does not include set lines or lines tied to a boat, or the use of more than two baited hooks.

"closed season" means a specified time during which fish may not be taken.

"commercial fisherman's licence" means a licence which authorizes the catching of fish for sale or barter.

"domestic licence" means a licence which authorizes fishing for individual or family use, but not for sale or barter.

"extension measure" means the distance between the extreme angles of any single mesh, and such measurement shall be made after the twine or net has been saturated in the water, and extended until the twine is taut, without any strain whatsoever, and shall be between the inside of the knots.

"fishery officer" means any person employed by the Department of Natural Resources and Industrial Development of the Province of Saskatchewan who is authorized to act as such, or any Police Constable or Officer, or any other officer or person authorized to assist in the enforcement of the Fisheries Act and Regulations made thereunder.

"gill-net" means a net which catches fish by enmeshing them but which does not enclose an area of water.

**Fisheries Act—continued**

“Minister” means the Minister of Natural Resources and Industrial Development of the Province of Saskatchewan.

“nets—when in use”—nets shall be deemed to be in use within the meaning of these regulations whether or not they are actually in the water, or are wet or dry, provided they have floats or sinkers attached, and are in any boat or water craft or on reels or in other containers, or are in the general vicinity of a fishing camp or fishing grounds.

“non-resident” means any person whose domicile is not in the Province or who has not resided continuously in the Province for a period of six months immediately preceding the granting of a fishery licence or permit.

“province” means the Province of Saskatchewan, when not otherwise designated.

“regulations” means all regulations and Orders in Council issued and in force under the Fisheries Act.

“Supervisor of Fisheries” means the senior officer in the Department of Natural Resources and Industrial Development of the Province of Saskatchewan in charge of the administration of fisheries.

“trap or pound net” means an apparatus which catches fish without enmeshing them, and consists of a leader and an enclosure into which the fish are guided by the leader.

## 2. APPLICATION

1. These regulations shall apply to the taking of fish in all waters of the Province or administered by the Province other than in waters within the boundaries of the Prince Albert National Park.

2. Nothing in these regulations shall be taken to authorize the grant of fishing leases or licences so as to confer an exclusive right or privilege with respect to fishing rights in any waters of the Province.

## 3. ANGLING

1. Angling for pike, pickerel, perch, goldeyes, Arctic grayling, Loch Leven trout, rainbow trout, brook trout or lake trout shall be permissible only between the sixteenth day of May in each year and the 31st day of March in the following year, both days inclusive.

2. “One day” means from sunrise to sunset.

3. A resident of the Province, except as provided in subsection 6 hereof, shall not engage in angling except under a licence issued by authority of the Minister.

4. Every resident of the Province shall be eligible for an angling licence to fish in waters frequented by trout. The fee for such licence shall be two dollars for the season.

5. Every resident of the Province shall be eligible for an angling licence to fish in waters not frequented by trout. The fee for such licence shall be one dollar for the season.

6. Children under the age of sixteen years shall not require a licence, but it shall not be permissible for any person or persons of sixteen years of age or over, unless such person is the holder of an angling licence, to accompany any one under that age in a boat or other water craft that is being used in angling.



**Fisheries Act—continued**

7. A resident of the Province holding a current angling licence for the taking of trout may, under the said licence, angle in waters not frequented by trout.

8. It shall be permissible for anyone holding a current angling licence to fish in waters not frequented by trout, to procure an angling licence to fish in waters frequented by trout by surrendering such licence and paying the difference in the fee to any officer or issuer of angling licences.

9. Organizations registered under the laws of the Province establishing summer camps may, in the discretion of the Minister, be granted a special licence for a period not to exceed three weeks, for such camp, at a minimum rate of ten dollars, where the number of persons attending the camp does not exceed twenty. For each additional person there shall be an extra charge of fifty cents. Such licences shall be issued on the understanding that the person or persons in charge of such camp shall possess individual angling licences.

10. (a) A non-resident of the Province shall not engage in angling except under a licence issued by authority of the Minister. The fee for such licence shall be as follows: Three dollars for the season in waters not frequented by trout, and six dollars for the season in waters frequented by trout or grayling.

(b) Notwithstanding anything herein contained, any British subject who is a resident of any other Province will be considered as a resident of the Province if he produces a current angling or trout angling licence or permit issued by such other Province and he shall be entitled to a licence upon payment of the fee applicable to a resident. Every such person shall carry both licences with him while engaged in angling.

11. Licensees must carry their licences with them, and produce them at the request of a fishery officer.

12. Every angling licensee shall, before exercising the rights granted to him by his licence, sign his name on the said licence in the space provided for his signature, and no licence shall be valid unless and until the signature of the licensee is so affixed.

13. Notwithstanding anything in these regulations contained, the Minister may grant complimentary angling licences which shall remain in force only for the period therein stated.

*Size Limits*

14. (a) No Rainbow, Loch Leven (Brown) or Brook trout less than nine inches in length shall be retained or kept out of the water and anyone who takes or catches any such fish of less than the minimum measurement named—which measurement shall be from the point of the nose to the centre of the tail—shall return such fish to the water from which it was taken, alive and uninjured;

(b) No lake trout less than fifteen inches in length shall be retained or kept out of the water, and anyone who takes or catches any such fish of less than the minimum measurement named—which measurement shall be from the point of the nose to the centre of the tail—shall return such fish to the water from which it was taken, alive and uninjured;

**Fisheries Act—continued**

- (c) No pike or pickerel less than twelve inches in length shall be retained or kept out of the water, and anyone who takes or catches any such fish of less than the minimum measurement named—which measurement shall be from the point of the nose to the centre of the tail—shall return such fish to the water from which it was taken, alive and uninjured;
- (d) No bass less than ten inches in length shall be retained or kept out of the water, and anyone who takes or catches any such fish of less than the minimum measurement named—which measurement shall be from the point of the nose to the centre of the tail—shall return such fish to the water from which it was taken, alive and uninjured.

*Per Diem Catch*

- 15. (a) No one shall in one day catch and retain more than seven rainbow trout, Loch Leven (brown) trout, brook trout or lake trout, or of the different species named than will in the aggregate number more than seven fish.
- (b) No one shall in one day catch and retain more than ten grayling.
- (c) No one shall in one day catch and retain more than twelve goldeyes.
- (d) No one shall, in that part of the Province lying north of the south boundaries of townships 50, in one day catch and retain more than twelve pickerel.
- (e) No one shall, in that part of the Province lying south of the south boundaries of townships 50, in one day catch and retain more than twelve pike or pickerel, or of both species named than will in the aggregate number more than twelve fish.
- (f) No one shall, in that part of the Province lying north of the south boundaries of townships 50, in one day catch and retain more of the different species of fish named in paragraphs (a), (b), (c) and (d) of this subsection than will in the aggregate number more than twelve fish.
- (g) No one shall, in that part of the Province lying south of the south boundaries of townships 50 in one day catch and retain more of the different species of fish named in paragraphs (a), (b), (c) and (e) of this subsection than will in the aggregate number more than twelve fish.
- (h) Notwithstanding anything contained in this subsection, where it is considered to be advisable to do so the Minister or the Supervisor of Fisheries may grant special permission to any person to take from any specified water or waters a greater number of fish in one day than the per diem number prescribed herein.

16. No person fishing by angling shall, at any time, have in possession more fish than the per diem number, as provided in subsection 15 of this section, or by special permission granted under paragraph (h) of the said subsection, provided that in cases where precautions are taken to protect the fish against wastage to the satisfaction of a fishery officer, such angler may have in his possession not more than the per diem number of two days' catch of fish at any time. If the fish have been filleted, two fillets shall be deemed to be one fish and every fillet shall be deemed to have been taken from a fish of one of the species mentioned in subsection 15.

**Fisheries Act**—*continued**Certain Gear Prohibited*

17. In angling or trolling for Rainbow, Loch Leven (Brown), Brook or Lake trout, a gang of hooks shall not be used on any line. When two baited hooks are used they shall be a sufficient distance apart to prevent any one fish from being hooked on both hooks at the same time.

18. No person shall for export from the Province sell, trade or barter, or offer for sale, trade or barter, or purchase any fish caught by angling.

**4. DOMESTIC AND COMMERCIAL FISHING**

1. Fishing with nets or other apparatus except under a licence or permit, issued by authority of the Minister, is prohibited, and no one shall engage in fishing without first having obtained a licence or permit to do so.

2. (a) No one other than a British subject or a *bona fide* settler, who is a resident of the Province, shall be eligible for a fishery licence: provided however, that the Minister may authorize the issuing of licences to non-residents in respect of any waters of the Province if he considers it to be in the public interest to do so.

(b) Notwithstanding anything herein contained the Minister or Supervisor of Fisheries may limit the number of licences to be issued in respect of any particular body of water or water area and the Minister or Supervisor of Fisheries shall in his absolute discretion decide which application shall be accepted under such limitations.

(c) Notwithstanding anything herein contained the Minister or Supervisor of Fisheries may limit the poundage of the various species of fish that may be taken by any licensee from any particular body of water or water area.

3. Any Indian who is a resident of the Province shall be eligible for an annual fishing permit which shall entitle him or a member of his family to take fish at any time, with not more than sixty yards of gill-net, for daily domestic use of the permittee and his family but not for sale or barter or for disposal to others free of charge. If more fish be taken in any one day than are needed for consumption of the permittee and his family for that day, the net shall not be again placed in the water until the fish taken have been used, but during any closed season such fishing may not be carried on in any area that may be defined by the Minister or any fishery officer. Such permit shall be issued free.

4. A domestic licence, except as otherwise provided in the regulations, will entitle the licensee or a member of his family to fish with not more than sixty yards of gill-net; provided, however, that no person shall be entitled to exercise any rights under such licence during the time the licensee is entitled to fish under a commercial fisherman's licence. The Minister may refuse to grant such licences or limit the number of such licences in respect of any body of water if it is deemed to be in the public interest to do so. Fish caught under such licence shall be for home consumption only and not for sale or barter and no person who fishes under a domestic licence shall have in his possession at any time more than one hundred pounds of fish of all species combined. The annual fee for such licence shall be two dollars.



**Fisheries Act—continued**

5. A commercial fisherman's licence, except as otherwise provided in the regulations, will entitle the licensee to fish with not more than one thousand yards of gill-nets; provided however, that the Minister or the Supervisor of Fisheries may further limit the yardage of gill-nets to be used on any particular body of water if he deems it advisable to do so. The fee for such licence shall be as follows:

For each summer season .....	\$5.00
For each winter season .....	\$5.00

6. No commercial fisherman's licence shall be issued until the applicant has made written application therefor on a form to be obtained from a fishery officer and has furnished all the information required to be set out in such form.

7. A trap or pound net licence, may be authorized by the Minister or Supervisor of Fisheries, which will entitle the licensee to fish with a trap or pound net. The fee for such licence shall be fifteen dollars for each net so authorized.

8. A fur farmer's fishing licence will entitle the licensee to fish in water designated by the Minister or the Supervisor of Fisheries, with not more than six hundred yards of gill-nets or a set line with not more than two hundred baited hooks; provided, however, that a greater yardage of gill-nets can be authorized by the Minister, if he considers it desirable to do so, and provided further that the licensee shall not use nets during the closed season for whitefish and trout, except in waters designated for that purpose by the Minister or the Supervisor of Fisheries. All fish taken under this licence shall be for animal food only and not for sale or barter and no person shall be entitled to exercise any rights under such licence during the time the licensee holds any right under a commercial fisherman's licence. The fee for such licence shall be based on the number of fur bearing animals for which the fish caught thereunder are required as food at the following rates:—

For each mink .....	10 cents
For each animal other than mink .....	20 cents

provided that the minimum fee in any case shall be five dollars.

9. No one shall fish for, catch or kill minnows or other small fishes for commercial purposes except under licence issued by authority of the Minister. Such licence may permit the use of one seine-net only, not more than thirty feet in length, having a mesh of not more than one-half inch extension measure and made of cotton or linen twine. It shall not be permissible under any such licence to take the young of whitefish, trout, pickerel (dore), pike, perch, sturgeon or goldeyes. The fee for such licence shall be two dollars.

10. The licensee shall personally engage in actual fishing operations by means of gill-nets authorized under a commercial fisherman's licence, and in fishing thereunder in any lake or water area no one other than a resident of the Province of Saskatchewan shall assist the licensee, and any licensee who employs or permits any non-resident of the Province to assist in such fishing in any lake or water area shall be liable to the penalties provided by the Fisheries Act and to immediate cancellation of his fishing licence.

**Fisheries Act**—*continued*

11. Fishing under a licence or permit is permitted only in the water area specified therein; provided, that a licence may be transferred by written permission of the Supervisor of Fisheries.

12. Notwithstanding anything contained in these regulations, the Minister may declare any waters or water area of the Province to be closed for the taking of fish during any specified period.

13. An application for any licence may be refused if it is considered in the public interest to do so.

**5. MESH OF NETS**

1. In all waters of the Province containing whitefish or lake trout, the use of gill-nets with a mesh of less than five and one-half inches extension measure is prohibited.

2. In any waters containing whitefish or lake trout, the Minister may, notwithstanding anything to the contrary in these regulations, and to provide for the taking of other species of fish, designate areas in which gill-nets may be used with a mesh of not less than four and one-half inches extension measure; provided, however, that if it should be found that more than ten per cent (in weight) of the fish so taken are whitefish or lake trout, any officer on instructions from the Minister may stop all fishing in any portion of such area.

3. In waters where gill-net fishing for pickerel, pike, perch or suckers is licensed, such gill-nets shall have meshes of not less than four and one-half inches extension measure.

4. In waters where gill-net fishing for tullibee and goldeyes is licensed, such gill-nets shall have meshes of not less than three and three-quarter inches extension measure.

5. In waters where gill-net fishing is allowed, and where it is found necessary to remove any particular species of fish, or where the fish are small due to overcrowding or where for any other reason the Minister considers it to be desirable to do so, the Minister may authorize the use of gill-nets with a mesh not provided for in any of the foregoing subsections.

6. The Minister, whenever he considers it advisable to do so, may limit the size of the twine to be used in any net or nets in regard to any particular body of water.

**6. CLOSED SEASONS****1. Whitefish, Tullibee and Lake Trout:**

- (a) Except as herein otherwise provided, in waters of the Province north of or intersected by the 54th parallel of north latitude, no one shall fish for, catch or kill any whitefish, tullibee or lake trout from the sixteenth day of September to the thirtieth day of November following, in each year, both days inclusive; provided that in unsettled districts where no fishing is done for purposes other than local consumption, this closed season may, by direction of the Minister, be modified to meet changing conditions.

**Fisheries Act—continued**

- (b) Except as herein otherwise provided, in all other portions of the Province, no one shall fish for, catch or kill any whitefish, tullibee or lake trout from the first day of October to the fifteenth day of December following, in each year, both days inclusive.

2. Pike, Suckers, Pickerel (Dore), Perch and Goldeyes:

No one shall fish for, catch or kill any pike, suckers, pickerel (dore), perch or goldeyes from the first day of April to the fifteenth day of May following, in each year, both days inclusive.

3. Bass:

No one shall fish for, catch or kill any bass from the first day of December in each year to the thirtieth day of June following, in each year, both days inclusive.

4. Sturgeon:

No one shall fish for, catch or kill any sturgeon at any time except under the authority of a special licence issued by the Minister or the Supervisor of Fisheries and then only during the period and in the area and by the method prescribed in the licence.

5. Notwithstanding the closed seasons herein prescribed the Minister may:

- (a) When he deems such to be in the public interest to meet changing conditions, extend any such closed seasons for any lake or water area by directing that fishing therein shall not commence until a later date than that so prescribed or that it shall terminate at an earlier date than fixed herein; or
- (b) Whenever he deems it necessary to do so, permit any fish to be taken from any water area during a closed season under the supervision of a fishery officer. The fish so taken shall be disposed of at such time and in such manner as may be directed by the Minister.

**7. FISHING SEASONS**

1. Winter fishing for commercial purposes shall commence on the expiry of the closed season for whitefish, tullibee or lake trout, for the district, and shall cease on the fifteenth day of February following in each year; provided that where fish are marketed in an unfrozen condition fishing may continue to the thirty-first day of March following.

2. Summer fishing for commercial purposes in waters north of the 54th parallel of north latitude shall commence on the sixteenth day of May and shall cease on the fifteenth day of September, in each year, both days inclusive, and in waters south of the 54th parallel of north latitude shall commence on the sixteenth day of May and cease on the thirtieth day of September, provided that in lakes in which pike, pickerel and suckers only are caught, fishing may be continued to the fifteenth day of March following.

**8. PROHIBITIONS**

1. Fishing by means other than gill-nets, pound-nets, trap-nets, baited hooks or angling is prohibited.

2. The use of spears, snares, lights, firearms, dynamite or other explosive materials in killing fish is prohibited.



**Fisheries Act—continued**

3. The use of bare, unbaited hooks or grapnels for taking fish is prohibited.

4. Angling or fishing by any means other than authorized nets from any fishing shelter placed on the ice of any water frequented by fish is prohibited.

5. No river or creek frequented by fish shall be obstructed by any kind of dam or trap for the purpose of killing or taking fish without first obtaining authority from the Minister in writing.

6. The introduction of non-indigenous fish alive into any waters of the Province, except by special permission of the Minister, is prohibited; provided that in waters partly lying in adjoining Provinces or the Northwest Territories, as well as in the Province of Saskatchewan, the introduction of non-indigenous fish alive into such waters is prohibited unless the fisheries administrations of the different Provinces or the Northwest Territories affected have agreed to such introduction.

7. During the winter commercial fishing season, no gill-nets with a depth of less than ten meshes will be allowed in any waters of the Province, except by special permission of the Minister.

**9. MARKING OF BOATS AND NETS**

All nets used in winter fishing and all net stakes to which the nets shall be fastened, which stakes shall extend not less than four feet above the surface of the ice, shall be legibly numbered at each end of each individual net with the number of the fishing licences under which they are being used, and in summer fishing all nets shall have attached thereto buoys legibly marked, in such a way that the marking may be readily seen without raising the buoys from the water, with the number of the fishing licence under which they are being operated; and every boat used in connection with fishing operations shall have the number of the fishing licence under which such boat is being used painted in black with white ground on either side of the bow, the figure or figures to be not less than six inches in height; and when the nets are in boxes or on reels, the number of the licence under which they are being used shall be so placed that it may be readily seen. All nets, buoys, boats and gangs of nets in summer fishing, and in winter fishing all nets fastened to stakes, that are not marked as above required, may be seized and confiscated and the owner thereof shall be liable to the penalties provided by the Fisheries Act.

**10. SETTING OF FISHING GEAR**

1. No nets or running lines for the setting of nets shall be placed in the water of any lake or area before 8 o'clock a.m. Mountain Standard time of the opening date for net fishing provided by or under these regulations for such lake or area.

2. No person shall place any running line for the setting of fishing nets in the water without having a net or nets attached thereto, nor leave a net in the water for more than 48 consecutive hours without it being drawn from the water and the fish removed therefrom.

3. No person shall set a net in any lake except at right angles to the shore-line nearest to the point where the net is set, or as directed by a fishery officer.

**Fisheries Act—continued**

**11. KEEPING ICE CLEAN**

During the winter fishing season, each fisherman shall be responsible for keeping the ice about his net holes and where he is working, clean from fish offal, unsaleable fish, or other deleterious substances. Each fisherman shall each day, either remove or have removed from the ice to a suitable place on shore, above high-water mark, all such offal or other deleterious substance, or he shall, each day, place or have it placed in boxes, and have it taken ashore and there properly disposed of above high-water mark, from time to time, but in every case it must be so removed and disposed of within five days before the end of the fishing season and daily thereafter. Any fisherman failing to comply with these requirements shall be liable to the penalties provided by the Fisheries Act, and to have his licence cancelled, or he may be refused a licence for the following winter season.

**12. PREVENTING WASTE OF FISH**

Should a fishery officer at any time find that all the fish being taken in any lake cannot be sold in the fresh fish markets or placed in efficient cold storage, he may stop fishing in such lake for such time as he deems necessary to enable the fish that may thereafter be taken to be sold in the fresh fish markets or placed in efficient cold storage.

**13. PACKING AND SHIPPING FISH**

1. All fish must be packed in wooden boxes, cardboard cartons or metal trays before being shipped from the lake of origin.

2. In any case where it is proved to the satisfaction of the Minister that any commercial fisherman has packed or shipped fish in boxes, cartons or metal trays that were not in a fit condition for food when they were packed or shipped, such fisherman shall be liable to have his licence cancelled.

3. The Minister may, if he deems it advisable to do so, order that all boxes, cartons or metal trays in which fish are being shipped shall be clearly marked showing the net weight, species of fish, fisherman's licence number, and the lake of origin from which the fish were taken, and while any such order is in force no one shall accept for transport any containers containing fish without being so marked.

**14. RETURNS AND INFORMATION**

1. The licensee is required to show on the back of his licence, as provided, the amount in pounds of each species of fish taken during the season under such licence, together with the approximate value of each species, as well as the amount of equipment and value of same used under his licence. If the licensee fails to return such report within fifteen days after the close of the season, to the local fishery officer in the district, he may be refused a renewal of his licence for the following season and, in addition, shall be liable to the penalties as provided by the Fisheries Act.

2. The owner or manager of every fish business or establishment shall, at the request of the Minister, or any fishery officer, furnish a true return covering the period specified, containing all or any one or more of the following particulars:—

(a) All fish bought or obtained on consignment;

**Fisheries Act—continued**

- (b) From whom purchased or the name of the consigner;
- (c) The value of all fish bought;
- (d) The quantity of all fish in storage or on hand;
- (e) The number of fishermen employed, and their nationality;
- (f) The number of shore-workers employed;
- (g) The quantity and value of fishing gear used;
- (h) Such other details and particulars as may be required from time to time by the Minister or any fishery officer;

provided, however, that unless otherwise required the returns herein mentioned shall refer only to fish taken from the waters of the Province of Saskatchewan.

3. Every person having fish in his possession shall upon the request of a fishery officer or a member of the Royal Canadian Mounted Police produce evidence showing where or from whom such fish were obtained; failure to produce such evidence to the satisfaction of such fishery officer or member of the Royal Canadian Mounted Police shall be *prima facie* evidence that the fish were caught in violation of the Fisheries Act or the regulations thereunder by the person in whose possession they were found.

**15. CONSTRUCTION OF FISHWAYS**

1. Every slide, dam or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, or a canal around the slide, dam or other obstruction which shall be maintained in a good and effective condition by said owner or occupier, in such place and of such form and capacity as will in the opinion of the Minister satisfactorily permit the free passage of fish through the same.

2. The place, form and capacity of the fishway or canal may, when approved by the Minister, be prescribed by any fishery officer by notice in writing.

3. Every fishway and canal shall be kept open and unobstructed and shall be supplied with such sufficient quantity of water as the Minister considers necessary to enable the fish frequenting the waters in which such fishway or canal is placed to pass through the same during such time as specified by any fishery officer.

4. The Minister, in order to procure the construction of any fishway or canal, pending proceedings against any owner or occupier for the penalty imposed by the Fisheries Act, may make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials for such purpose, and may recover from the owner or occupier the whole expense so incurred by action in the name of His Majesty in the right of the Province of Saskatchewan.

5. Where unused slides, dams, obstructions or anything detrimental to fish exist, and the owner or occupier thereof does not, after notice given by the Minister, remove the same, or if the owner is not resident in Canada, or his exact place of residence is unknown, the Minister may, without being liable to damage, or in any way to indemnify the said owner or occupier, cause said slide, dam, obstruction or thing detrimental to fish life to be removed or destroyed, and in cases where notice has been given to the owner or occupier, may recover from said owner or occupier the expense of so removing or destroying the same.



**Fisheries Act—continued**

6. The Minister may require the installation and maintenance by the owner or occupier of such fish-stops or diverters, both above and below any dam or obstruction, as will, in his opinion, be adequate to prevent the destruction of fish and to assist in providing for their ascent.

7. At every dam or obstruction where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spillway or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.

8. The owner or occupier of any dam or obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish, during the period of construction thereof.

**16. CANCELLATION OF LICENCE**

Any licence shall be subject to cancellation at any time without compensation to the holder thereof, for any breach of these regulations, or if, in the opinion of the Minister, the operations under such licence have not been conducted in conformity with these regulations.

**17. SETTLEMENT OF DISPUTES**

Disputes between persons relative to fishing limits, or claims to fishery stations, or relative to the position and use of nets and other fishing apparatus, may be settled by a fishery officer or the Supervisor of Fisheries.

**18. DISTANCE BETWEEN FISHERIES**

Fishery officers may determine or prescribe the distance between each and every fishery, and shall forthwith remove any fishing apparatus or materials which the owner neglects or refuses to remove; and such owner shall be, moreover, liable for a violation of the regulations and for the cost of removing such apparatus and materials and any damages that may result therein.

**19. PETER POND (OR) BUFFALO LAKE**

During the winter commercial fishing season, no net fishing is allowed east of a straight line drawn across Little Peter Pond (Little Buffalo) Lake from Buffalo Narrows south to the mouth of Kazan (Martin) Creek, also south of a straight line drawn across the lake from the mouth of Kazan Creek (Martin River), to the mouth of Whitefish River.

**20. PROPAGATION OF FISH**

The Minister may authorize to be set apart any river or other water in the Province for the natural or artificial propagation of fish.

**21. LIMITATION OF CATCH**

1. The total quantity of fish that may be taken in any year or in any season from any water in the Province may be limited by the Minister from time to time and notice of any such limitation, stating clearly the water area and limitation, shall be published in the *Saskatchewan Gazette*, at least two weeks before the opening of the fishing season to which the said

**Fisheries Act—continued**

limitation is applicable. The Minister may also from time to time, whenever he deems it to be in the public interest to do so, either before the opening of or during the fishing season to which any limitation made in accordance with this subsection is applicable, increase or decrease any such limitation.

2. When in the opinion of a fishery officer the limit determined by the Minister is reached, or about to be reached, in any fishing area, such officer shall order either in writing or verbally that all nets in use must be removed from the water before a set day or hour, and any fisherman who refuses or neglects to so remove his fishing equipment before the expiration of such day or hour, shall be liable to the penalties as provided for in the Fisheries Act, and in addition, his fishing equipment shall be subject to seizure and confiscation, as well as fish taken after he was so instructed to remove his nets from the water.

**22. FISH FOR STOCKING, ETC.**

Nothing in these regulations contained shall preclude the granting by the Minister of written permission to obtain fish and fish spawn for the purposes of stocking, or artificial breeding, or for scientific or experimental purposes.

**9. Special Fishery Regulations for the Province of Alberta**

P.C. 2150

**AT THE GOVERNMENT HOUSE AT OTTAWA**

THURSDAY, the 28th day of April, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of The Fisheries Act, 1932, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of Alberta, made and established by Order in Council P.C. 5352 of 31st December 1947, are hereby revoked; and

2. The annexed "Special Fishery Regulations for the Province of Alberta" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**SPECIAL FISHERY REGULATIONS FOR THE PROVINCE OF ALBERTA****INTERPRETATION**

"angling" shall include trolling for sport or family use only, but not for sale or barter, and shall mean the taking of fish with hook and line held in the hand, or with hook and line and rod, the latter held in the hand, but shall not include set lines or lines tied to a boat.

**Fisheries Act—continued**

“Angling Permit” shall mean a permit which authorizes the taking of fish by the method of angling, for sport or family use only, but not for sale or barter.

“closed season” shall mean a specified time during which fish may not be taken.

“Commercial Licence” or “Fisherman’s Licence” shall mean a licence that authorizes the catching of fish for sale or barter.

“Department” means the Department of Lands and Forests of the Province of Alberta.

“Domestic Licence” means a licence which authorizes fishing for the use of the licensee and his family but not for sale or barter.

“extension measure” shall mean the distance between the extreme angles of any single mesh and such measurement shall be made after the twine has been saturated in the water and extended until the twine is taut, without any strain whatsoever, and shall be between the inside of the knots.

“Fish and Game Commissioner” shall mean the Fish and Game Commissioner in charge of administration of fisheries for the Province of Alberta.

“gillnet” shall mean a net that catches fish by enmeshing them, but which does not enclose an area of water.

“Lake trout” shall mean salmon trout or Great Lake trout.

“Metis” shall mean a person of mixed White and Indian blood having not less than one-quarter Indian blood, but does not include either an Indian or a non-treaty Indian, as defined in the Indian Act, being Chapter 98 of the Revised Statutes of Canada, 1927.

“Minister” shall mean the Minister of Lands and Forests, Province of Alberta.

“non-resident” shall mean any person whose domicile is not in the Province or who has not resided continuously in the Province for a period of six months immediately preceding the granting of a fishing licence or permit.

“Officer” shall mean any Fishery Officer, Fishery Inspector, Fishery Guardian, Game Guardian, Game Officer or Forest Officer, employed by the authority of the Minister, or any police constable, police officer and any other officer or person authorized to assist in the enforcement of the Fisheries Act and regulations made thereunder.

“one day” shall mean, for the purpose of angling, the duration of time between one hour before sunrise and two hours after sunset.

“Province” shall mean the Province of Alberta.

“Trap-net” or “pound-net” shall mean an apparatus that catches fish without enmeshing them, and consists of a leader and an enclosure into which enclosure the fish are guided by the leader.

“Trout, Grayling and Rocky Mountain Whitefish” shall include steelhead, cutthroat, rainbow, Lock Leven, Kamloops, speckled, brown and Great Lake trout, Arctic or Montana Grayling and Rocky Mountain whitefish.

APPLICATION

1. These regulations shall apply to the taking of fish in all waters in the Province of Alberta, other than in waters of the National Parks of Canada.



**Fisheries Act—continued**

2. Nothing in these regulations shall be taken to authorize the granting of fishery leases or licences conferring an exclusive right to fish in waters belonging to the Province.

3. Where under these regulations any licence or permit is required to be issued or any act to be done by or on behalf of the Crown or the Department such licence or permit may be issued and act done by or under the direction of the Minister.

**ANGLING**

4. (1) A non-resident shall not engage in angling except under a permit issued by authority of the Minister. The fee for such permit shall be as follows:

Two dollars and twenty-five cents (\$2.25) for the season; or one dollar (\$1.00) for three consecutive days.

(2) A resident of the Province may angle in waters of the Province that are not frequented by trout, grayling or Rocky Mountain whitefish without a permit; but in waters frequented by the aforesaid fish or any of them no one over sixteen years of age may engage in angling except under permit.

(3) Every resident in the Province shall be eligible for an angling permit to fish in waters frequented by trout, grayling or Rocky Mountain whitefish. The fee for such permit shall be as follows:

Two dollars and twenty-five cents (\$2.25) for the season; or one dollar (\$1.00) for three consecutive days.

(4) Children under sixteen years of age shall not require an angling permit.

(5) Permittees must carry their permits and produce them at the request of any officer.

(6) Every angling permittee before exercising the right granted to him by his permit shall—

- (a) sign his name on the said permit in the space provided for his signature, or
- (b) if he cannot write, in the space provided for his signature on said permit make his mark which must be duly witnessed by one person; and
- (c) no permit shall be valid unless and until the signature of the permittee is so affixed.

(7) In waters in that portion of the Province northward from the international boundary line to, and including the Bow River and its tributaries, frequented by any trout, grayling or Rocky Mountain whitefish, no one shall fish for, catch or kill any fish from November first in each year to June fifteenth following, both days inclusive, except in the main stream of the Bow River upstream from Louise Bridge in the City of Calgary to the Banff National Park boundary, where no one shall fish for, catch or kill any fish from November first in each year to April thirtieth following, both days inclusive.

**Fisheries Act—continued**

(8) In waters of the Red Deer River and its tributaries and the North Saskatchewan River and its tributaries frequented by any trout, grayling or Rocky Mountain whitefish, no one shall fish for, catch or kill any fish from October first in each year to April thirtieth following, both days inclusive.

(9) In waters of the Athabasca River and its tributaries frequented by any trout, grayling or Rocky Mountain whitefish, no one shall fish for, catch or kill any fish from October sixteenth in each year to May thirty-first following, both days inclusive.

(10) In waters frequented by lake trout, no one shall fish for, catch or kill any fish from September sixteenth in each year to May fifteenth following, both days inclusive.

(11) No one shall fish for, catch or kill any pike (jackfish), pickerel (dore), perch or goldeye from April first to May fifteenth following in each year, both days inclusive.

(12) No person shall, for export from the Province, sell, trade, or barter, or offer for sale, trade or barter any fish caught by angling.

(13) No one engaged as a boatman or guide for the purpose of taking out angling or fishing parties shall exercise the privileges granted under an angling permit whilst so engaged.

(14) Landing or dip-nets used as auxiliaries to angling may be used.

SIZE LIMITS

5. Except as herein otherwise provided no pickerel (dore) less than twelve inches in length, nor lake trout less than fifteen inches in length, nor cutthroat, rainbow, speckled, brown or Loch Leven trout, grayling nor Rocky Mountain whitefish, less than eight inches in length shall be retained or kept out of the water, and anyone who takes or catches such fish of less than the minimum measurement named—which measurement shall be from the point of the nose to the centre of the tail—shall return such fish to the water from which it was taken, alive and if possible uninjured.

PER DIEM CATCH

6. (1) Except as herein otherwise provided no one shall, in one day catch and retain more than fifteen (15) cutthroat, rainbow, Loch Leven, speckled, steelhead or brown trout, grayling or Rocky Mountain whitefish, or the different species named, than will in the aggregate number more than fifteen (15) fish; provided, however, that in the waters of Upper and Lower Kananaskis Lakes and that portion of the Kananaskis River connecting the said two lakes no one shall in one day, catch and retain more than twenty (20) pounds of trout unless the last fish caught increases the combined weight to more than twenty (20) pounds and provided further no one shall, in one day, catch and retain more than ten (10) trout even though the ten fish caught weigh less than twenty pounds.

(2) No one shall, in one day, catch and retain more than ten lake trout.

(3) No one shall, in one day, catch and retain more than twenty-five perch or goldeye, or of both species, than will in the aggregate number more than twenty-five fish.

**Fisheries Act**—*continued*

(4) No one shall, in one day, catch and retain more than fifteen pike or pickerel, or of both species, than will in the aggregate number more than fifteen fish.

(5) No one shall, in one day, catch and retain more fish of the species pike, pickerel, perch and goldeye, in aggregate or combined number, than twenty-five fish; provided that no person shall in one day take from the following described waters more than five pike and ten perch:—

Barnes (Clear) Lake, in Township 44, Range 5, west of the 4th Meridian;

Arm Lake, in Township 43, Range 5, west of the 4th Meridian;

Jackfish Lake, in Township 52, Range 2, west of the 5th Meridian.

(6) No person fishing by angling shall, at any time, have in possession more fish than the per diem number stipulated herein provided that in cases where precautions are taken to protect the fish against wastage to the satisfaction of any officer, such angler may have in his possession not more than the per diem number of two days' catch of fish at any time.

(7) The regulations herein respecting the per diem catch and size limit shall not apply to rainbow trout taken from the MacLeod River and its tributaries within the Rocky Mountains Forest Reserve.

## LICENCES

7. The Minister may in his absolute discretion issue, authorize to be issued or refuse to issue any licence or permit for fishing in any water area of the Province and except as provided in sub-section (2) of section 4 of these regulations, no one shall engage in fishing until he has procured a licence or permit.

8. No person other than a British subject who is a resident of the Province shall be eligible for a licence to engage in domestic or commercial fishing.

9. Notwithstanding anything herein contained the Minister may limit the number of licences to be issued in respect of any particular body of water or water area and shall in his absolute discretion decide which application shall be accepted under such limitations, and may limit the poundage of the various species of fish that may be taken by any licensee from such water or water area.

10. The Minister, may if at any time he is of the opinion that it is in the public interest so to do, declare that commercial fishing may be carried on in any lake or water area only by residents residing in the vicinity of such lake or water area, and such declaration shall become effective on the publication thereof in the *Alberta Gazette*.

11.(1) A domestic licence may be issued to any resident of the Province residing north of Township 61, which except as otherwise provided in these regulations will entitle him or a member of his family to fish with not more than one hundred (100) yards of gill-net in waters north of Township 62. The mesh of the gill-net used thereunder shall conform to the size prescribed for commercial fishing purposes during the season and in the waters in which such net is used. Fish caught under such licence shall be for domestic use of the licensee and his family only and not for sale or barter and the fee for such licence shall be two dollars (\$2.00).



**Fisheries Act—continued**

(2) Fishing under a domestic fishing licence shall be permissible only on Wednesdays and Thursdays during the commercial fishing seasons and nets shall not be lifted except once only on each Thursday between the hours of sunrise and noon.

(3) A Treaty Indian shall be eligible for a domestic licence which shall be issued to him free of charge and which shall entitle him or a member of his family to fish with not more than one hundred (100) yards of gill-net for domestic use of the licensee and his family only, but not for sale or barter. The mesh of the gill-net used by any Treaty Indian thereunder shall conform to the size prescribed for commercial fishing purposes in the waters in which such net is used. Other provisions of these regulations to the contrary notwithstanding, in waters North of Township 62 fishing under such licence for necessary daily consumption for the licensee and his family may be carried on at any time in waters that may be defined by the Fish and Game Commissioner or any officer; in other portions of the Province such fishing shall be permitted in waters defined by the Fish and Game Commissioner or any officer only on Wednesdays and Thursdays and nets shall not be lifted except once only on each Thursday between the hours of sunrise and noon.

(4) Any Metis, residing within an area reserved under the provisions of The Metis Population Betterment Act, 1940, being Chapter 6 of the Statutes of Alberta, 1940 (second session), who is a member of the Settlement Association for such area, shall be eligible for a domestic licence, which shall entitle him or a member of his family to fish with not more than 100 yards of gill-net for his or their own use, and not for sale or barter: provided, however, that fishing under such licence shall only be carried on in waters contained within, or partially contained within the area occupied by the Settlement Association of which the licensee is a member; provided further that such fishing shall not be carried on during the closed seasons prescribed by section 19 of these regulations. Such permit shall be issued free of charge.

12. (1) A fisherman's licence, except as herein otherwise provided, will entitle the licensee to fish for commercial purposes with not more than six (6) gill-nets, having a total length of not more than six hundred (600) yards, in waters designated in such licence, or a set line having not more than two hundred (200) baited hooks; provided, however, that the Minister may further limit the yardage of gill-nets to be used on any particular body of water if he deems it advisable to do so. The fee for such licence shall be five dollars (\$5).

(2) In waters where less than six hundred (600) yards of gill-net are authorized, the licensee shall not fish with a greater number of gill-nets than one for each one hundred (100) yards of gill-net so authorized.

13. A commercial licence, except as herein otherwise provided, will entitle the licensee to fish with not more than ten (10) gill-nets, having a total length of not more than one thousand yards, and such licence shall only be issued on the larger lakes, as directed by the Minister. The fee for such licence shall be ten dollars (\$10).

14. Notwithstanding anything contained in these regulations, the Minister may order any water or water area to be closed to the taking of fish under any licence or permit during any specified period.

**Fisheries Act—continued**

15. Except as herein otherwise provided no one other than the licensee shall operate a gill-net or set line with baited hooks.

16. Any licence shall be subject to cancellation at any time without compensation to the holder thereof, for any breach of these regulations, or if, in the opinion of the Minister, the operations under such licence have not been conducted in conformity with these regulations.

17. Fishing under a licence or permit is permitted only in the water area specified therein.

**PROHIBITIONS**

18. (1) In angling or trolling for trout, grayling or Rocky Mountain whitefish, a gang of hooks shall not be used, nor shall more than three hooks be used on any line, and such hooks shall be a sufficient distance apart to prevent a fish from being hooked on more than one at the same time.

(2) The trapping or snaring of fry in streams frequented by game fish is prohibited.

(3) The liberating of live minnows in any waters other than those from which they were taken, is prohibited.

(4) The introduction of non-indigenous fish alive into the waters of the Province, except by special permission of the Minister, is prohibited; provided that in waters partly lying in an adjoining Province or the North-west Territories, as well as in the Province of Alberta, the introduction of non-indigenous fish alive into such waters is prohibited unless the fisheries administration of the different Provinces affected, or in the case of the Northwest Territories, the Minister of Fisheries for Canada, have agreed to such introduction.

(5) The use of spears, snares, lights, firearms, dynamite, or other explosive material in killing fish is prohibited.

(6) The use of bare, unbaited hooks or grapnels for taking fish is prohibited.

(7) The use of artificial light, luminous bait or any bait capable of emanating light either by artificial or natural means, for the taking of fish, is prohibited.

(8) No river or creek frequented by fish shall be obstructed by any kind of dam, trap, net or other contrivance, without first obtaining authority, in writing, from the Minister.

(9) The fry of food fishes shall not be at any time destroyed.

(10) No person shall use dynamite or any other explosive in any waters of the Province frequented by fish for the removal of rock, obstructions, or for any other purpose without permission in writing from the Minister.

(11) The washing of any motor vehicle in any waters of the Province frequented by fish is prohibited.

(12) No person shall deposit any meat, bones, dead fish or parts of same, or other food for fish, in any of the waters of the Province for the purpose of luring fish, known as "advance baiting".

(13) Fishing with apparatus other than gill-nets, baited hooks or by angling is prohibited.

**Fisheries Act—continued**

(14) The possession of fish or fishing tackle or any other apparatus used for the catching of fish upon or along any waters closed to fishing shall be *prima facie* evidence that the person or persons having such fish, fishing tackle or apparatus, are guilty of unlawful fishing in such closed waters.

(15) Except as expressly permitted or authorized by these regulations fishing at any place in the Province is prohibited.

CLOSED SEASONS

19. (1) Whitefish, tullibee:

- (a) In waters north of or intersected by the North boundary of Township 65, no one shall fish for, catch or kill any whitefish, or tullibee, from October first in each year to November thirtieth following, both days inclusive.
- (b) In all other portions of the Province, no one shall fish for, catch or kill any whitefish or tullibee from October first, in each year to December fifteenth following, both days inclusive.

(2) Pike (Jackfish), Pickerel (Dore), Perch and Goldeyes:

No one shall fish for, catch or kill any pike (jackfish), pickerel (dore), perch or goldeyes from April first in each year to May fifteenth following, both days inclusive.

(3) Lake Trout:

- (a) In waters north of or intersected by the 55th Parallel of North latitude, no one shall fish for lake trout from September sixteenth in each year to November thirtieth following, both days inclusive.
- (b) In all other portions of the Province, no one shall fish for, catch or kill any lake trout from September sixteenth in each year to December fifteenth following, both days inclusive.

(4) Notwithstanding the closed seasons herein prescribed, the Minister may—

- (a) When he deems such to be in the public interest to meet changing conditions, extend any such closed season for any lake or area by directing that fishing therein shall not commence until a later date than that so prescribed or that it shall terminate at an earlier date than that fixed herein; or
- (b) Whenever he deems it necessary to do so for the purpose of removing any particular species of fish or of preventing the loss of fish in any water area permit fish to be taken from such water area during a closed season under the supervision of any officer.

COMMERCIAL FISHING SEASONS

20. (1) Winter Fishing: Except as herein otherwise provided, winter fishing for commercial purposes shall commence on the expiry of the closed season for whitefish, tullibee or lake trout for the district, and shall cease on March thirty-first following in each year.

(2) Summer Fishing: Except as herein otherwise provided, summer fishing for commercial purposes shall extend from May sixteenth in each year to the commencement of the closed season following for whitefish, tullibee or lake trout for the district; provided, that in lakes in which pike, pickerel, perch and suckers, only are caught, fishing may be continued to March thirty-first following.



**Fisheries Act—continued**

## MARKING OF BOATS AND NETS

21. (1) Every licensee, whether fishing under a commercial licence, fisherman's licence or domestic licence, shall mark in a legible manner all boats, nets, buoys and gangs of not more than three nets in number and in winter fishing all net stakes with the initial letter and number of his licence as the case may be, to distinguish between a commercial, fisherman's or domestic licence. Such letter and number shall be painted on each boat in black upon a white ground on either side of the bow above the water line, and shall be not less than six (6) inches in height. The letter and number of the buoys shall be so placed as to be readily seen without raising the buoys from the water. The letter and number on the nets shall be so placed as to be readily seen when the nets are in boxes or on a reel, and the letter and number of net stakes shall be readily legible at all times.

(2) Each net or gang of nets shall be marked at each end thereof—

(a) during open water fishing, by a buoy, or

(b) during winter fishing, by a stake, the top of which shall be at least four (4) feet above the surface of the ice.

(3) All boats, nets, buoys and gangs of nets during open water fishing, and during winter fishing all nets fastened to stakes that are not marked as above required may be seized and confiscated.

## NETS—WHEN IN USE

22. (1) Nets shall be deemed to be in use within the meaning of these regulations—

(a) when actually in the water;

(b) when in a fishing vessel with floats attached and either wet or dry;

(c) when on reels or otherwise spread out to dry at, or in the general vicinity of a fishing station or fishing grounds;

(d) when kept with floats attached, in boxes at, or in the general vicinity of, a fishing station or fishing grounds;

(e) when on the ice or at, or in the general vicinity of a fishing camp or fishing grounds with floats attached, or when wet or frozen, or otherwise showing evidence of having been recently in use.

## MESH OF NETS

23. (1) In all waters of the Province containing whitefish or lake trout, except those waters hereinafter specified, the use of gill-nets with a mesh of less than five and one-half ( $5\frac{1}{2}$ ) inches is prohibited; provided, however, that in lakes where fish are small, owing to overcrowding, the Minister may authorize the use of nets of smaller mesh until the fish improve in size.

(2) In waters where gill-net fishing for pickerel or perch is licensed, such gill-nets shall have meshes of not less than four and one-half ( $4\frac{1}{2}$ ) inches, extension measure.

(3) In waters where gill-net fishing for tullibee or pike (jackfish) is licensed, such gill-nets shall have meshes of not less than four (4) inches, extension measure, when in use.

(4) In any waters containing whitefish or lake trout, the Minister may, notwithstanding anything to the contrary in these regulations, and to provide for the taking of other species of fish, authorize the use of

**Fisheries Act—continued**

gill-nets with meshes of less than five and one-half ( $5\frac{1}{2}$ ) inches in areas designated by the Fish and Game Commissioner or any officer; provided that if it should be found that more than five per cent (in weight) of the fish so taken are whitefish or lake trout any officer may stop all fishing in any portion of such area.

(5) In waters where gill-net fishing is allowed, and where is it found necessary to remove any particular species of fish, the Minister may authorize the use of gill-nets with a mesh of specified size not provided for in any of the preceding sub-sections.

PREVENTING WASTAGE OF FISH

24. (1) Should an officer at any time find that all the fish being produced in any lake cannot be sold in the fresh fish markets or placed in efficient cold storage, he may stop all fishing in such lake for such time as he deems necessary to enable the fish that may thereafter be taken to be sold in the fresh fish markets or placed in efficient cold storage.

(2) In any case where is it proved to the satisfaction of the Minister that the catch or any portion thereof of any licensee, shipped or packed by such licensee was not in a fit or satisfactory condition for human consumption, when shipped or packed, or was shipped or packed in an unsanitary or unclean container, the Minister may cancel his licence. The onus shall be upon the licensee to prove that the fish were in a fit or satisfactory condition for human consumption when packed or shipped, or that the containers were not in an unsanitary or unclean condition.

(3) It is conditional on the granting of any licence authorizing commercial fishing during the summer season that:—

- (a) Operations thereunder shall be conducted only by means of a boat that is in a safe and seaworthy condition, and of a size sufficient to ensure daily operation and lifting of nets, and is so constructed and equipped as will ensure fish carried therein being kept out of the water or bilge that may accumulate therein;
- (b) The licensee shall carry during operations thereunder by means of said boat an adequate supply of crushed ice in which the catch shall be packed and shall provide a suitable cover for the catch;

and failure to comply with any or all of these conditions shall constitute an offence against these regulations and any officer may order cessation of fishing operations under such licence until all conditions are fully met to his satisfaction.

(4) During the summer commercial fishing season no fish shall be transported from any boat unless packed in an adequate quantity of crushed ice in a clean and sanitary box container.

(5) During the winter commercial fishing season every catch of fish or portion thereof shall forthwith be packed in a clean and sanitary box container and shall not be transported from any lake or fishing area until so packed.

(6) In winter fishing no person shall place any running line for the setting of nets in the water without having a net or nets attached thereto, nor leave a net in the water for more than 48 consecutive hours without it being withdrawn from the water and the fish removed therefrom.

**Fisheries Act—continued**

## TIME OF SETTING GEAR

25. (1) In summer fishing, nets shall not be set or placed in the water before 8 o'clock A.M., mountain standard time, on the opening date provided by these regulations for the area in which such nets are to be used.

(2) In winter fishing no nets, nor running lines used for the setting of nets for fishing through the ice, shall be placed in the water before 8 o'clock A.M., mountain standard time, on the opening date for fishing provided by these regulations for the area in which such nets are to be used.

## KEEPING ICE CLEAN

26. During the winter fishing season, each fisherman shall be responsible for keeping the ice about his net-holes and where he is working, clean from fish offal, unsaleable fish, or other deleterious substance. Each fisherman shall, each day, either remove or have removed from the ice to a suitable place on shore, at least fifty feet above high water mark, all such offal or other deleterious substance, or he shall, each day, place or have it placed in boxes, and have it taken ashore and there properly disposed of at least fifty feet above high water mark, from time to time, but in every case it must be removed and disposed of within five days of the end of the fishing season and daily thereafter. Any fisherman failing to comply with these requirements shall be liable to penalties provided by the Fisheries Act, and to have his licence cancelled, or one refused him for the following season.

## LIMITATION OF CATCH

27. (1) The total quantity of fish that may be taken in any season from any water in the Province may be limited by the Minister from time to time and notice of any such limitation, stating clearly the water area and limitation, shall be published in the *Alberta Gazette*, at least two weeks before the opening of the fishing season to which the said limitation is applicable; provided, however, that in respect to the catch limits so prescribed, the Minister may set apart the whole or a portion of any such catch limit, from a lake within, or partially contained within an area reserved under the provisions of The Metis Population Betterment Act, 1940, being Chapter 6 of the Statutes of Alberta, 1940, (second session); and provided further that any limit so set apart shall not be fished for or caught by other than a Metis who is a member of a Settlement Association for an area reserved under the said Act.

(2) When in the opinion of an officer the limit determined by the Minister is reached or about to be reached in any fishing area, such officer shall order in writing or verbally that all nets in use must be removed from the water before a set day or hour, and any fisherman who refuses or neglects to so remove his fishing equipment before the expiration of such day or hour shall be liable to the penalties as provided for in the Fisheries Act, and, in addition, his fishing equipment shall be liable to seizure and confiscation, as well as fish taken after he was so instructed to remove his nets from the water.



**Fisheries Act—continued**

RETURNS

28. (1) Every licensee shall at the request of the Minister or a fishery officer furnish a true return, covering the period specified by the Minister or such fishery officer, containing the amount in pounds of each species of fish taken during such specified period, under such licence, together with the approximate value of each species of fish.

(2) Every licensee shall on or before March thirty-first in each year make an annual return, showing the amount in pounds of each species of fish taken during the year under such licence, together with the approximate value of each species of fish, as well as the amount of equipment and value of same used under his licence. If any licensee fails to make such return on or before April fifteenth in each year to the local fishery officer, or direct to the Fish and Game Commissioner at Edmonton, Alberta, he may be refused a renewal of his licence for the following year, and shall be liable to the penalties as provided by the Fisheries Act.

(3) The owner or manager of every fish-curing or canning establishment, fresh fish business or establishment, or cold storage warehouse in which freshwater fish are accepted for storage, shall, at the request of the Minister, or any fishery officer, furnish a true return, covering the period specified by the Minister or such fishery officer, containing all or any one or more of the following particulars,—

- (a) Amount in pounds of each species of all fish bought;
- (b) Amount in pounds of each species of all fish obtained on consignment;
- (c) From whom purchased or the name of the consignee;
- (d) The value of each species of all fish bought;
- (e) Amount in pounds of each species of all fish packed or canned;
- (f) The quantity of each species of all fish in storage or on hand;
- (g) The number of fishermen employed and their nationality;
- (h) The number of shore workers employed;
- (i) The quantity and value of fishing gear used;
- (j) The number and value of buildings and fixtures used;
- (k) Such other details and particulars as may be required by the Minister or such fishery officer.

Provided, however, that unless otherwise required, the returns mentioned in this section shall refer only to fish taken from the waters of the Province of Alberta.

POSSESSION AND SALE OF TROUT ARTIFICIALLY PROPAGATED

29. (1) (a) Anyone engaging in propagating and maintaining trout may, upon receiving a permit from the Fish and Game Commissioner, dispose of such trout for use as food or for stocking purposes, at any season of the year, provided that each trout disposed of for other than stocking purposes, has securely attached to it a metal tag inscribed with the number of his permit and the name or abbreviation for the name of the Province.

(b) No tag shall be used more than once.

(c) Live trout disposed of for stocking purposes need not be marked.

**Fisheries Act**—*continued*

(2) Any person may buy, sell, or possess for use as food at any season of the year, trout that have been artificially propagated and maintained, and that were disposed of under the authority of the aforesaid permit, provided that each trout has firmly attached to it the tag prescribed in this section. Such tag shall be removed and destroyed by or at the instance of the last purchaser of the trout.

(3) Every person who received a permit as aforesaid shall make a written report to the Fish and Game Commissioner during the month of January of each year which shall show:—

- (a) The number of trout of each species of different ages that were in the ponds or other reserves of the permittee at the end of the previous year.
- (b) The number of eggs of each species obtained during the previous year from fish in the ponds or other reserves of the permittee.
- (c) The number of eggs from fish outside such ponds or other reserves.
- (d) The number of fry of each species hatched by the permittee.
- (e) The number of each species with ages thereof obtained by the permittee for stocking purposes from outside his ponds or other reserves.
- (f) The number of eggs of each species sold.
- (g) The number of trout of each species disposed of under tag for food purposes.

## CONSTRUCTION OF FISHWAYS

30. (1) Every slide, dam or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, or canal around the slide, dam or other obstruction, which shall be maintained in a good and effective condition by said owner or occupier, in such place and of such form and capacity as will, in the opinion of the Fish and Game Commissioner, satisfactorily permit the free passage of fish through the same. If it be determined by the Minister in any case that the provision of an efficient fishway or canal around the slide, dam or other obstruction is not feasible, or that spawning areas above such slide, dam or other obstruction are destroyed, the Minister may require the owner or occupier of such slide, dam or other obstruction to pay to him from time to time such sum or sums of money as he may require to construct, operate and maintain such complete fish hatchery establishment as will, in his opinion, meet the requirements for maintaining the annual return of migratory fish.

(2) The place, form and capacity of the fishways or canal may be prescribed by any fishery officer by notice in writing; provided, however, that immediately after the fishway is completed and in operation the owner or occupier of any dam or obstruction, shall make such changes and adjustments, at his own cost, as will, in the opinion of the Fish and Game Commissioner be necessary for its efficient operation under actual working conditions.

(3) Every fishway and canal shall be kept open and unobstructed and shall be supplied with such sufficient quantity of water as the Fish and Game Commissioner considers necessary to enable fish frequenting the

**Fisheries Act—continued**

waters in which such fishway or canal is placed to pass through the same during such times as are specified by any fishery officer. Also, where leaks in a dam cause a fishway therein to be inefficient, the Minister may require the owner or occupier of such dam to prevent such leaks therein.

(4) The Minister, in order to procure the construction of any fishway or canal, pending proceedings against any owner or occupier for the penalty imposed by the Fisheries Act, may make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and material for such purpose, and may recover from the owner or occupier the whole expense so incurred by action in the name of His Majesty in the right of the Province of Alberta.

(5) Where unused slides, dams, obstructions, or anything detrimental to fish exist, and the owner or occupier thereof does not after notice given by the Fish and Game Commissioner remove the same, or if the owner is not resident in Canada, or his exact place of residence is unknown, the Minister may, without being liable to damages, or in any way to indemnify the said owner or occupier, cause said slide, dam, obstruction, or anything detrimental to fish life to be removed or destroyed, and in cases where notice has been given to the owner or occupier, may recover from said owner or occupier the expense of so removing or destroying the same.

(6) The Minister may require the installation and maintenance by the owner or occupier of such fishstops or diverters, both above and below any dam or obstruction, as will, in his opinion, be adequate to prevent the destruction of fish and to assist in providing for their ascent.

(7) At every dam or obstruction, where the Fish and Game Commissioner determines it to be necessary, the owner or occupier thereof shall, when required by the Fish and Game Commissioner, provide a sufficient flow of water over the spillway or crest, with connecting sluices into the river, below, to permit the safe and unimpeded descent of fish.

(8) The owner or occupier of any dam or obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish, during the period of construction thereof.

STURGEON

31. No one shall fish for, catch or kill any sturgeon.

FISH SANCTUARIES

32. (1) No fishing shall be permissible at any time in that part of the Bow River or Canadian Pacific Irrigation canal flowing through the Inglewood Bird Sanctuary within the limits of the City of Calgary.

(2) The Minister may authorize any stream, river or other water area of the Province to be set apart for the natural or artificial propagation of fish.

GENERAL

33. Every person having fish in his possession shall upon the request of any officer produce evidence showing where or from whom such fish were obtained; failure to produce such evidence to the satisfaction of such officer shall be *prima facie* evidence that the fish were caught in violation of the Fisheries Act or the regulations thereunder by the person in whose possession they were found.



**Fisheries Act**—*continued*

34. Nothing in these regulations contained shall preclude the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking, or artificial breeding, or for scientific purposes.

35. The Minister may authorize the placing and maintaining of barriers, screens, or other obstructions, in streams to prevent the escape of fish held for fishbreeding purposes, or any other purpose which he deems in the public interest, and no person shall injure such barrier, screen or obstruction.

36. No one shall erect, use or maintain in any of the waters of the Province, whether subject to any exclusive right of fishery or not, any net, fascine fishery or other device which, in the opinion of the Minister or any officer, unduly obstructs the passage of fish.

37. (1) Every ditch, channel or canal constructed or adapted in the Province for conducting water from any lake, river or stream for irrigation, manufacturing, domestic or other purposes, shall, if the Minister deems it necessary in the public interest, be provided at its entrance or intake with a fish guard or a metal or wire grating, covering, or netting, so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal.

(2) Such fish guards shall have meshes or holes not more than three-eighths of an inch in diameter and shall be built and maintained by the owner of such ditch, channel or canal, subject to the approval of the Minister or of such officer as he may appoint to examine it.

(3) The owner or occupier of such ditch, channel or canal shall maintain such fish guard in a good and efficient state of repair, and shall not permit its removal except for renewal or repair, and during the time such renewal or repair is being effected the sluice or gate at the intake or entrance shall be closed and the passage of fish into the ditch, channel, or canal prevented.

38. No one shall catch, fish for, take, buy, or sell, possess or export any fish for the purpose of converting it into manure, guano or fertilizer, or for the manufacture or conversion of such fish into oil or manure or other fertilizing product, except under authority of the Minister; but the Minister may, by notice published in the *Alberta Gazette*, except any kind or kinds of fish from the operation of this section or any part of this section, and may at any time, by a notice similarly published, withdraw such exception.

39. Dispute between persons relative to fishing limits or claims to fishery stations, or relative to the positions and use of nets and other fishing apparatus, shall be settled by a fishery officer or by the Fish and Game Commissioner.

40. Fishery officers may determine or prescribe the distance between each and every fishery and shall forthwith remove any fishery apparatus or materials which the owner neglects or refuses to remove; and such owner shall be, moreover, liable for a violation of these regulations and for the cost of removing such apparatus and materials and any damages that may result therein.

41. The Minister may at any time amend or rescind any order made by him under the authority of these regulations.

**BAPTISTE LAKE**

42. Fishing by means of nets of any kind in the narrows of Baptiste lake is prohibited.

**Fisheries Act—continued**

**10. Special Fishery Regulations for the Province of British Columbia**

P.C. 5887

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 22nd day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

1. The Special Fishery Regulations for the Province of British Columbia, established by Order in Council P.C. 5351 of 31st December 1947, as amended, are hereby revoked; and

2. The annexed "Special Fishery Regulations for the Province of British Columbia" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

SPECIAL FISHERY REGULATIONS FOR THE PROVINCE OF BRITISH COLUMBIA

The following regulations shall not apply to waters in National Parks, which are under the control of the Minister of Mines and Resources:

INTERPRETATION

"Minister" means the Minister of Fisheries.

"angling" includes trolling for sport fish and means the taking of fish with hook and line held in the hand or hook and line and rod, the latter held in the hand, but does not include set lines, or lines tied to a boat or jigging, or any equipment that involves the use of more than one line, such as what is known as an "otter".

"Chief Supervisor" means the Chief Supervisor of Fisheries for British Columbia of the Department of Fisheries.

"close season" means a specified period in which fish may not legally be taken.

"dip-net" means a net, with bottom closed so as to form a bag, hung on a ring or frame attached to a pole or handle.

"drag-seine" means a net weighted at the bottom and floated at the top, cast from a boat so as to enclose a space of water between it and the shore, and then drawn ashore.

"fishery officer" means such officer having authority from the Department of Fisheries and includes, for the non-tidal waters of the Province, all game wardens and provincial constables appointed by or having authority from the Attorney General for British Columbia.

"fishery guardian" means such guardian employed by authority of the Minister.

**Fisheries Act—continued**

“gill-net” or “drift-net” means a floating gill-net that is neither anchored nor staked, but that floats freely with the tide or current.

“grilse” means salmon of three pounds in weight or less, undressed.

“jigging” means catching or attempting to catch a fish by impaling it on a hook through some part of the body instead of inducing the fish to take the hook into its mouth, as in “angling”.

“open-set” means occupying any length of time over twenty minutes in casting and closing a purse-seine; that is, from the moment that any part of the seine-webbing or float line first touches the water until the seine is closed by both ends of the web being drawn together.

“purse-seine” means a net weighted at the bottom and mounted with rings through which a line is run; also which is floated at the top and cast from a boat so as to enclose an area of water, and is then closed at the bottom by the aforesaid line through the rings, so as to form a purse or bag.

“scouting” means prospecting or searching for herring.

“set-net” means a net, other than a trap-net, that is anchored, staked or otherwise attached to the shore or bottom or to an anchored boat, buoy or other float so as to prevent it drifting freely with the current.

“sport fish” means fish that are taken for pleasure and that are not intended for or used for sale or barter.

“sport fishing” means fishing for pleasure and not for sale or barter.

“trap-net” or “pound-net” means an apparatus that catches fish without enmeshing them. It consists of a leader and an enclosure with a bottom into which enclosure the fish are guided by the leader.

“trolling” means fishing by means of a lure drawn behind a boat or other floating equipment of any kind.

“trout” includes steelhead, rainbow, Kamloops, brown (Loch Leven), cut-throat and char, dolly varden, eastern brook and so-called lake trout.

**Section 1—Abalone**

1. No one shall fish for, catch, buy, sell or have in possession any abalone that measures less than two and one-half inches across the shortest diameter of the shell.

2. The fee for an abalone licence shall be one dollar.

**Section 2—Clams**

1. No one shall dig for or take, have in possession, buy, sell or expose for sale any razor clam that measures less than three and one-half ( $3\frac{1}{2}$ ) inches, and any butter clam that measures less than two and one-half ( $2\frac{1}{2}$ ) inches, any little-neck clam (*Venerupis*) that measures less than one and one-half ( $1\frac{1}{2}$ ) inches across (that is, through) the longest diameter of the shell.

2. No one shall dig for or take

(a) any butter or little-neck clams or mussels from June 1 to October 31 in each year, both days inclusive; except as provided in paragraph (c) hereof;

(b) any razor clams from July 1 to October 31 in each year, both days inclusive;



**Fisheries Act—continued**

- (c) any butter clams or mussels from the west coast of Vancouver Island between Cape Scott and Otter Point until further notice; provided that the Chief Supervisor may prohibit digging for or taking clams in any area or areas at an earlier date than the beginning of the close times specified herein should he deem such to be necessary for the purposes of conservation; and provided further that the Chief Supervisor may permit digging for or taking of a sufficient quantity of razor clams in district No. 2 during the close season herein prescribed to meet the bait requirements of the crab fishery;
- (d) any clams or mussels from islands of the Gordon Group, including Hope, Nigei, Balaclava, Hurst and Bell Islands lying between the northern portion of Vancouver Island and the mainland of British Columbia in fisheries District No. 3, until further notice.

3. No one shall fish for or take clams of any variety from Seal Island in the vicinity of Comox until January 1, 1955, except as may be permitted by the Provincial Commissioner of Fisheries for experimental purposes by, or under supervision of, an Officer of the Fisheries Research Board of Canada.

4. The use of any mechanical digger, apparatus or dredge for the purpose of taking any species of clams is prohibited.

5. No one shall dig for or take clams, mussels, or oysters of any variety from Nanaimo Harbour, Exit Channel, and adjacent waters lying inside, or southerly of, a straight line drawn from Pimbury Point, through Newcastle and Protection Islands to Jack Point.

**Section 3—Cod**

1. No one shall fish for, catch or kill any so-called ling cod (*Ophiodon elongatus*) in the waters of District No. 1, or in the portion of the waters of District No. 1, or in the portion of the waters of District No. 3, that is on the east side of Vancouver Island, from the first day of December in each year to the last day of February following both days inclusive. Any ling cod that may be taken incidentally to fishing for other varieties of fish during such close season shall be immediately liberated and returned to the water with as little injury as possible by the person catching it.

2. No one shall fish for or catch by any means for commercial purposes, any of the so-called ling cod or cod embraced in the genus *sebastodes* in any part of the province except under licence from the Minister. Each person in a boat that is being used in fishing for cod shall be required to have a licence. The fee on such licence shall be one dollar.

3. No one shall fish for, catch, buy, sell or have in possession, any so-called ling cod (*ophiodon elongatus*) of a size which when dressed, heads off, shall weigh less than three pounds in weight; and any so-called ling cod under the size limit herein prescribed that may be accidentally caught shall be immediately liberated and returned to the water with as little injury as possible by the person catching it.

4. No one shall fish for, catch, buy, sell, or have in possession any black cod (sablefish) which when dressed heads off, shall weigh less than four and one-half ( $4\frac{1}{2}$ ) pounds; and any black cod (sablefish) under the size limit herein prescribed that may be accidentally caught shall be immediately liberated and returned to the water with as little injury as possible by the person catching it.

**Fisheries Act—continued****Section 4—Crabs**

1. No one shall fish for, catch, kill, retain, buy, sell or have in possession any crab that measures less than six and one-half inches across (that is through) the longest diameter or greatest breadth of the shell.

2. No one shall fish for, catch, kill, injure, or have in possession any soft-shell or egg-bearing crab, and any such crab that may be accidentally caught shall be immediately returned alive and uninjured to the waters from which it was taken by the person catching it.

3. A licensee shall at all times, when engaged in fishing, carry his licence with him, and shall on demand by a fishery officer or guardian produce his licence to such fishery officer or guardian.

4. Each line of crab traps shall be marked with a floating tag or buoy attached to each end of the line. There shall be legibly painted in white on black ground on such tag or buoy the initials of the licensee, and the number of his licence.

5. The fee for a crab fishery licence shall be one dollar; but no licence shall authorize the use of more than nine hundred traps.

6. No fisherman shall be eligible for more than one crab fishery licence.

7. No one shall fish for, catch or kill any crab in the following described waters in the vicinity of the City of Vancouver:

- (a) that portion of English Bay and False Creek lying inside, that is easterly, of a straight line drawn from Prospect Point to Imperial Street;
- (b) That portion of Burrard Inlet lying between First Narrows bridge and Second Narrows bridge.

**Close Season**

(See under classes of fish and weekly close times.)

**Section 5 —Districts**

For the purposes of administration the province shall be divided into three fishery districts, viz:

District No. 1 shall embrace that portion of the coast and waters tributary thereto of the mainland inside of a straight line drawn in a southeasterly direction from Gower Point at the northwesterly entrance of Howe Sound to the most westerly point of the international boundary line lying on the 49th parallel of north latitude in the Gulf of Georgia.

District No. 2 shall embrace the coast and waters tributary thereto of the mainland from a straight line drawn due west from Cape Caution northward to the northerly boundary of the province, as well as the coast and waters of the islands opposite that portion of the mainland coast.

The following subdivisions in this district shall, for the purposes of the methods of fishing hereinafter designated, consist of the areas described after their names:—

**Salmon Gill-Net or Drift-Net Fishing**

Naas River.—The estuary of the Naas River as well as Observatory Inlet to a straight line drawn across it at a point five miles up said Inlet from North Point, Pearse Canal, as well as Portland Inlet down to a straight

**Fisheries Act—continued**

line drawn from a fishing boundary sign placed on the mainland south of Port Simpson Harbour due east to the most southerly point on Finlayson Island, then following along the western shore of Finlayson Island to the most northerly point of that island, thence in a straight line to Green Island light, thence in a straight line due west magnetic to a fishing boundary sign placed on the easterly coast of Dundas Island, thence northerly to Whitby Point on Dundas Island, the westerly boundary to be a straight line drawn from the most northeasterly point on Haystack Island to Whitby Point on Dundas Island, thence following the easterly shore of Dundas Island, to the fishing boundary sign mentioned above.

Skeena River.—The estuary of the Skeena River and adjacent waters, inside, that is, south of the southern boundary of the Naas River gill-net area, hereinbefore described, bounded on the west by a line commencing at the fishing boundary on Dundas Island, opposite Green Island Light, following the easterly shore of Dundas Island to the most southerly point on Prince Leboo Island, thence in a straight line to Taylor Rock, thence to Hammer Rocks, thence to the most southeasterly point on Avery Island, thence to a fishing boundary sign placed on the east shore of Stephens Island, approximately two miles south of Riel Point following the northern shore of Stephens Island to Hooper Point, thence in a straight line to the most southerly point on the Archibald Island group, thence to China Island on the east coast of Stephens Island, thence to Fan Point on Porcher Island, the southerly boundary to be a line drawn from Peninsular Point on Porcher Island in an easterly direction to the most northerly point on Gibson Island to a fishing boundary sign on the shore of the mainland, to be placed there each season by a fishery officer.

Butedale.—Gardner Canal and Matheson Channel.

Bella Coola.—North Bentinck Arm, South Bentinck Arm and Burke Channel down to an imaginary straight line drawn across the entrance to Burke Channel from Edmund Point in a northerly direction to Walker Point.

Dean Channel.—Dean Channel down to a straight line drawn in a southeasterly direction from Sunny Island to the opposite shore.

Namu.—Fitzhugh Sound, from a straight line drawn across it from Truman Point, through Hanbury Point on Addenbrooke Island, to the mainland, northerly to a straight line drawn across Fisher Channel from Charlie Point in an easterly direction to the opposite shore, Ellerslie Channel, Bullock Channel, Johnston Channel, Rosecoe Inlet, but not including Burke Channel.

Rivers Inlet.—Rivers Inlet and adjacent waters between a straight line drawn due west from Canoe Rocks, and one drawn easterly from Truman Point on Calvert Island, through Hanbury Point on Addenbrooke Island, to fishing boundary marks on the mainland shore that will be placed there each season by a fishery officer.

Smith Inlet.—Smith Inlet and Smith Sound and adjacent waters between straight lines drawn due west from Canoe Rocks and Cape Caution.

Principe Channel.—Principe Channel and adjacent waters within the following boundaries: Commencing at Archibald Point on Banks Island, thence in a southeasterly direction following the eastern shore of Banks Island to the most southerly point of that Island, thence in a straight line in an easterly direction to Marble Rocks at the northwesterly extremity of Compania Island, thence following the northwesterly shore of Compania



**Fisheries Act—continued**

Island to Fanny Point, thence in a straight line to Steep Point on Pitt Island, thence following the southerly and westerly shores of Pitt Island to a fishing boundary sign placed on the shore at the entrance to Anger Island pass, thence in a straight line in a northwesterly direction to a fishing boundary sign placed on Anger Island, thence following the western shore of Anger Island to its most northwesterly point, thence in a straight line to a fishing boundary sign placed on the most southerly point of McCauley Island, thence following the western shore of McCauley Island to Baird Point, thence in a straight line in a westerly direction to Archibald Point on Banks Island.

*Salmon Purse-Seine Fishing***AREA No. 1**

The waters of that portion of the north and west coasts of Graham Island from Rose Spit to the south shore of Skalu Inlet and of the coast of the islands opposite and including Massett Inlet and Naden Harbour.

**AREA No. 2**

The waters of that portion of the coasts of the remaining portion of the Queen Charlotte Islands and including Skidgate Inlet and Skidgate Channel.

**AREA No. 3**

The waters of that portion of Observatory Inlet lying east and north of a straight line drawn northeasterly across the said Inlet at a point five miles above North Point; that portion of Portland Canal lying northeast from Dogfish Bay; that portion of Pearse Canal lying in Canadian territory between Tree Point and Bartlett Point on Wales Island, including the waters of Tongas Passage south to Haystack Island, Nasaga Gulf, Quinimass Bay, Khutzemateen Inlet, Steamer Passage, Union Bay, and Wark-Canal, excepting the north arm (Quatoon Inlet).

**AREA No. 4**

Tucks Inlet and that portion of Prince Rupert Harbour lying northerly and easterly of an imaginary straight line drawn between Wolf Island and the Prince Rupert dry-dock.

**AREA No. 5**

The waters of that portion of the coast included in the following described boundaries: Commencing at Cape George on Porcher Island, thence to Archibald Point on Banks Island, continuing along the west coasts of Banks Island and Estevan Island to Devils Point on Aristazabal Island, thence northerly to Ledge Point on Gil Island, following the west and north coasts of Gil Island to Maple Point, thence to Cape Farewell on Promise Island, following the western shore of Promise Island to Dawson Point, thence to Halsey Point on Douglas Channel, thence westerly along the coast of Stewart Narrows to Camp Point, thence along the northerly coasts of Grenville Channel to a point on the mainland due east from the most southerly point on Blaxon Island thence to Peninsular Point on Porcher Island following the southerly coast line of Porcher Island to the point of commencement; but not including Curtis Inlet, Mikado Bay, Union Passage, nor the waters of Principe Channel gill-net or drift-net area, hereinbefore described, except as provided in subsection 24 of section 15 of these regulations.

**Fisheries Act—continued**

**AREA No. 6**

The waters of that portion of the coast, including the islands opposite, as well as Douglas Channel, from the easterly and southerly boundaries of area No. 5 hereinbefore described, to a straight line drawn from Day Point on Price Island to Jorkins Point, thence to Parker Point on Susan Island, thence along the south shore of Susan Island to Mial Point, thence due east across Matheson Channel, to a point approximately one mile north of Salmon Bay; but not including Gardner Canal, Kildala Arm, Gil-To-Yees, Rivers Bight, Old Hartley Bay that portion of Kitimaat Arm north of the most northerly point of Coste Island, Griffin Pass, Talamosa Inlet on Laredo Channel, and Qua-Qua Inlet on Swindle Island.

**AREA No. 7**

The waters of that portion of the coast, including the islands opposite, from the southeasterly boundary of Area No. 6, hereinbefore described, to a straight line drawn from Sunny Island to the head of Evans Arm, thence to Walker Point at the entrance to Burke Channel, thence to Edmund Point, continuing along the eastern shore of Fitzhugh Sound, including all the bays and inlets thereof to Hanbury Point on Addenbrooke Island; thence to Truman Point on Calvert Island, thence through Calvert Island to Herbert Point; but not including Port John, Koeys Bay, Kismet Bay.

**AREA No. 8**

The waters of that portion of the coast inside, that is east and north, of a straight line drawn from Sunny Island to the head of Evans Arm, thence to Walker Point at the entrance to Burke Channel, thence to Edmund Point on the opposite side of the entrance to said channel, only as provided by subsection 25, section 15 of these Regulations; but not including Cousins Inlet, Jenny Bay, Eleho Harbour, that portion of Dean Channel above, that is northeasterly of a straight line drawn due north from Edwards Point on King Island to a point on the mainland opposite marked by a fishing boundary sign, Labouchere Channel, East Arm of Kwatna Inlet, that portion of Burke Channel above, that is northeasterly of a straight line drawn due north from the eastern side of the entrance to Kwatna Inlet to a point on King Island opposite, marked by a fishing boundary sign, that portion of South Bentinck Arm up to Hot Spring Island, approximately five miles above the entrance thereof.

**AREA No. 9**

The waters of the Rivers Inlet Area, hereinbefore described, only as provided by subsection 24 of section 15 of these Regulations but not including Hole-in-the-Wall.

**AREA No. 10**

The waters of Smith Inlet area, hereinbefore described, but only as provided by subsection 24 of section 15 of these Regulations.

District No. 3 shall embrace the remainder of the province.

District No. 3 shall be subdivided as follows:

West Coast Area.—Embracing all the territorial waters of British Columbia on the west coast of Vancouver Island between Beachy Head on the south and Cape Scott on the north.

East Coast Area.—Embracing all the territorial waters of British Columbia between the east coast of Vancouver Island and the mainland

**Fisheries Act**—*continued*

from Beachy Head on the south end of Vancouver Island to an imaginary straight line drawn from Cape Scott to Cape Caution on the north, except those portions thereof as are specially exempted elsewhere in these regulations.

The following subdivisions in this district shall, for the purposes of the methods of fishing hereinafter designated, consist of the areas described after their names:—

*Salmon Purse-Seine Fishing***AREA No. 11**

The waters of that portion of the coast from the southern boundary of Area No. 10 hereinbefore described, to a straight line drawn from the northerly side of Shelter Bay to Secretary Point on Hope Island, including Seymour and Belize inlets, but only as provided by subsection 24 of section 15 of these regulations.

**AREA No. 12**

The waters of that portion of the coast between Vancouver Island and the mainland between a straight line drawn from Cape Scott to Secretary Point on Hope Island to the northerly side of Shelter Bay and a straight line drawn from Tuna Point at the easterly entrance of Blinkinsop Bay due south magnetic to a point on Vancouver Island but not including the waters between Cape Scott and Beaver Cove, which comprise amongst others, Goletas Channel, Labouchere Channel and Broughton Strait, before June first in each year, Drury Inlet, Acteon Sound, McKenzie Sound before August first in each year; that portion of Blackfish Sound southerly and easterly of a straight line drawn between Bold Point on Swanson Island and the most northerly point of Spout Island, Baronet Passage, Parsons Bay, Blackney Passage, Wakeman Sound, that portion of Knight Inlet that is easterly of Hoeye Sound, Port Neville, Coon Dog Bay, and Blinkinsop Bay.

**AREA No. 13**

The waters of that portion of the coast between Vancouver Island and the mainland between the southeasterly boundary of Area No. 12, hereinbefore described, and a straight line drawn from George Point at the easterly entrance of Ramsay Arm to the most southerly point of Cortez Island, thence in a straight line to Shelter Point on Vancouver Island; but not including Loughborough Inlet, Phillips Arm, and Ramsay Arm, after August thirty-first in each year, Deepwater Bay before October first in each year, Butte Inlet, Forward Harbour, the waters of Discovery Passage at the mouth of Campbell River, bounded on the south by a straight line drawn from Cape Mudge due west to a point on Vancouver Island and on the north by a straight line drawn from Wilfred Point through the north-westerly point of Maude Island to the mainland of Quadra Island at the entrance to Seymour Narrows; nor that portion of Johnstone straits known as Salmon Bay, at the mouth of Salmon River, inside of an imaginary straight line drawn from a fishing boundary sign placed on the shore of Vancouver Island approximately one mile northwesterly from Kelsey Bay wharf to a fishing boundary sign placed on the Vancouver Island shore approximately one-half mile easterly of Port Kusam.

**AREA No. 14**

The waters of that portion of the east coast of Vancouver Island, including Gabriola, Hornby, and Denman Islands, between a straight line



**Fisheries Act—continued**

drawn from Shelter Point to the most southerly point of Cortez Island, and a straight line drawn from the southerly entrance of Boat Harbour on Vancouver Island, to the most northerly point of Valdez Island; but not including the waters of that portion of the coast of Vancouver Island within two miles thereof between a point two miles southeasterly of Englishmen's River to a point two miles northwesterly of Big Qualicum River, within two miles of the mouths of Oyster and Black Rivers; nor that portion of Baynes Sound between a straight line drawn from Union Bay Wharf on Vancouver Island to Beak Point at the north end of Denman Island, and a straight line drawn from the most easterly point of Deep Bay due north to a fishing boundary sign placed on the shore of Denman Island, approximately two miles west of Boyle Point; nor that portion of the waters adjacent to the east coast of Vancouver Island lying inside of a straight line drawn from Cape Lazo to Beak Point at the north end of Denman Island, thence in a straight line to Union Bay Wharf of Vancouver Island before October first in each year; nor Nanaimo Harbour and Departure Bay.

**AREA No. 15**

The waters of that portion of the mainland coast, including Hernando, Savary and Harwood Islands between a straight line drawn from George Point at the easterly entrance of Ramsay Arm to the most southerly point of Cortez Island and a straight line drawn from the most southerly point of Harwood Island to Powell River, but not including Toba Inlet, Malaspina Inlet, Theodosia Arm, Launcelot Arm and Okeover Arm.

**AREA No. 16**

The waters of that portion of the mainland coast including Texada, Lasqueti and Jenkins Islands between the southeasterly boundary of Area No. 15 hereinbefore described, and Gower Point at the northwesterly entrance of Howe Sound, but not including Queens Reach, Princess Royal Reach, and that portion of Prince of Wales Reach lying north of a straight line drawn from a fishing boundary sign placed on Saunarez Bluff due east, true bearing, to a fishing boundary sign placed on the opposite shore after September fifteenth in each year; the Saginaw area from a fishing boundary sign placed on the eastern shore of Agememnon Channel, thence one mile in a northern direction from Saginaw Creek, thence in a straight line to Fearney Point, thence in a straight line to Norman Point, thence following the shore line to aforesaid fishing boundary sign; nor Pender Harbour.

**AREA No. 17**

The waters of that portion of the east coast of Vancouver Island and of the Gulf of Georgia, included in the following described boundaries: Commencing at the most northerly point of Valdez Island in a straight line to the southerly side of the entrance to Boat Harbour on Vancouver Island, thence following the easterly shore of Vancouver Island in a southerly direction to Graves Point, thence following a straight line through Erskine Point on Salt Spring Island to the head of Ganges Harbour, thence to the westerly side of the entrance to Active Pass, thence in a straight line to the most westerly point of the International Boundary on the 49th parallel of north latitude, thence in a straight line to the point of commencement at the most northerly point of Valdes Island; but not including Ladysmith Harbour (Oyster Bay) inside of an

**Fisheries Act**—*continued*

imaginary straight line drawn from Sharpe Point to Boulder Point; nor that portion of Stuart Channel between a straight line from Erskine Point to Graves Point, and a straight line from Bare Point lighthouse to Parminter Point on Salt Spring Island.

**AREA No. 18**

The waters of that portion of the east coast of Vancouver Island including the islands opposite, between the southeasterly boundary of Area No. 17, hereinbefore described extended by a straight line drawn from Active Pass to the most westerly point of the International Boundary Line lying on the 49th parallel of north latitude in the Gulf of Georgia and a straight line drawn from the northerly entrance of Shoal Harbour on Vancouver Island to the most northerly point of Domville Island, thence due east magnetic to its junction with the International Boundary line; but not including Fulford Harbour, Saanich Inlet, Cowichan Bay, and that portion of Satellite Channel including Sansum Narrows between a straight line drawn from Cape Keppel on Salt Spring Island to James Point on Vancouver Island, and a straight line drawn from Graves Point on Vancouver Island to Erskine Point on Salt Spring Island.

**AREA No. 19**

The waters lying between the coast of Vancouver Island and the International Boundary Line from the southern boundary of Area No. 18, hereinbefore described, to a straight line drawn due south from Beachy Head on Vancouver Island; but not including Victoria Harbour, inside of a straight line drawn from Macaulay Point to Clover Point and embracing all the waters of the harbour to Victoria Arm and including The Inlet.

**AREA No. 20**

The waters lying between the coast of Vancouver Island and the International Boundary Line from the western boundary of Area No. 19, hereinbefore described, to a straight line drawn due south from Sombrio Point on Vancouver Island.

**AREA No. 21**

The waters of that portion of the west coast of Vancouver Island between the western boundary of Area No. 20, hereinbefore described, and Pachena Point, but not including Nitinat Arm.

**AREA No. 22**

The waters of Nitinat Arm after September thirtieth in each year.

**AREA No. 23**

The waters of that portion of the west coast of Vancouver Island from Pachena Point to the southwesterly entrance of Wreck Bay; but not including Ucluelet Arm, Uchucklesit Harbour, and that portion of Alberni Canal above, that is east of a straight line drawn from Turn Island to Knob Point and thence to Ecole.

**AREA No. 24**

The waters of that portion of the west coast of Vancouver Island from the southwesterly entrance of Wreck Bay to Estevan Point including Clayoquot Sound.

**Fisheries Act—continued**

**AREA No. 25**

The waters of that portion of the west coast of Vancouver Island from Estevan Point to Tatchu Point including Nootka Sound and Esperanza Inlet.

**AREA No. 26**

The waters of that portion of the west coast of Vancouver Island from Tatchu Point to Cape Cook including Kyuquot Sound.

**AREA No. 27**

The waters of that portion of the west coast of Vancouver Island from Cape Cook to Cape Scott, but not including that portion of Quatsino Sound, and the inlets and bays tributary thereof, lying easterly from a straight line drawn from Haukin Point to Phillips Point, thence to James Point at the mouth of Marble Creek.

**SECTION 6—Export of Fish**

1. The export of fresh herring from the province of British Columbia is prohibited, or of herring that have been preserved in salt for a period of less than four days of twenty-four hours each, or of herring of any kind intended for curing, canning or otherwise preserving or converting into fish meal, fertilizer or oil outside the boundaries of Canada:

Provided always that fresh herring taken in gill-nets in the waters of British Columbia may be exported in a fresh, unsalted condition for immediate consumption, but the onus of proof that such fish, so exported, were taken with gill-nets shall rest on the possessor or possessors of such fish; provided, further, that fresh herring packed in boxes, each box in itself being a complete container with cover securely fastened by nails or in a similar manner, and containing not more than two hundred pounds, may be exported.

2. The export from Canada of clams in a raw or fresh state taken in the province is prohibited, provided that such clams may be exported in wooden boxes, each of which boxes shall contain not more than eighty pounds of clams in the shell.

3. (1) No one shall export from Canada any salmon of the "sockeye" or "pink" varieties except in a canned, salted, smoked or cured condition;

(2) On and after September 1, 1949, no one shall export from Canada "coho" salmon except in a canned, salted, smoked, cured or frozen condition;

(3) Notwithstanding paragraph (1) of this subsection, it shall be permissible to export from Canada during the period September 18, 1949, to December 31, 1949, both dates inclusive, "pink" salmon in any condition except in a frozen condition.

**Section 7—Grayfish**

1. The fee on a licence to authorize net or hook and line fishing for grayfish shall be One Dollar (\$1), provided licences authorizing fishing for grayfish by gill-nets shall not be issued for District No. 1 and the east-coast area of District No. 3.

2. No one shall fish for, catch or kill grayfish by means of gill-nets in District No. 1 and in that portion of District No. 2 to the eastward of a straight line drawn from the most southerly point of Zavas Island to Cape



**Fisheries Act—continued**

George on Porcher Island, thence to Parlane Point on Banks Island, thence following the westerly shore of Banks Island to Terror Point, thence in a straight line to Cape Caution; nor in the east coast area of District No. 3.

**Section 8—Herring**

1. The use of nets other than gill-nets, drift-nets, drag-seines or purse-seines shall not be permitted in the capture of herring.

2. The length of drift-nets or gill-nets shall not be limited except when operated in a harbour, when not more than a total length of two hundred fathoms shall be operated under any one licence.

3. The fee on a herring drift-net or gill-net licence shall be one dollar.

4. A herring drag-seine shall not exceed one hundred fathoms in length, and the mesh thereof shall be not less than one inch extension measure.

5. The fee on a herring drag-seine licence shall be five dollars.

6. A herring purse-seine shall not exceed two hundred and seventy-five (275) fathoms in length. The mesh of a herring purse-seine shall not be less than one inch extension measure.

7. The fee on a herring purse-seine licence shall be five dollars.

8. For the purposes of herring purse-seine or drag-seine fishing, the province shall be divided into the following described areas and any such fishing authorized in respect of such areas shall be subject to all requirements, as prescribed by these regulations:

*Lower East Coast of Vancouver Island Sub-district.*—The waters of that portion of District No. 3 between Vancouver Island and the mainland lying southerly and easterly of the following described boundary: Commencing at Gower Point on the mainland in a straight line to Point Young on Lasqueti Island thence southwesterly in a straight line through Mistaken Island to a fishing boundary sign on the shore of Vancouver Island; also the waters of Juan-de-Fuca Strait east of a straight line from Sombrio Point to the International Boundary line thence following the International Boundary line to the point of intersection of fishing District No. 1.

*Middle East Coast of Vancouver Island Sub-district.*—The waters of that portion of District No. 3 between Vancouver Island and the mainland bounded on the south by the following described boundary: Commencing at Gower Point on the mainland in a straight line to Point Young on Lasqueti Island, thence southwesterly in a straight line through Mistaken Island to a fishing boundary sign on the shore of Vancouver Island and bounded on the northwest by a straight line drawn from Tuna Point at the easterly entrance of Blinkinsop Bay due south magnetic to a point on Vancouver Island.

*Upper East Coast of Vancouver Island Sub-district.*—The waters of that portion of District No. 3, between Vancouver Island and the mainland lying between a straight line drawn from Tuna Point at the easterly entrance of Blinkinsop Bay due south magnetic to a point on Vancouver Island and a straight line drawn from Cape Scott to Cape Caution.

*West Coast of Vancouver Island Sub-district.*—The waters of that portion of District No. 3 on the west coast of Vancouver Island between a straight line due south magnetic from Sombrio Point to the International Boundary line and bounded on the north by a straight line from the most westerly point on Scott Islands to Cape Scott.

**Fisheries Act—continued**

*Central Sub-district.*—The waters of District No. 2 lying northwesterly on the following described boundary: Commencing at Cape Scott on Vancouver Island to Cape Caution on the mainland and bounded on the north by a straight line from the northern point of Rennison Island to the southern point of Campania Island to Fawcett Point on Gil Island, thence in a straight line from Turtle Point on Gil Island to Camp Point on the mainland.

*Northern Sub-district.*—The waters of that portion of District No. 2 lying northwesterly of the following described boundary: Commencing at the northern point of Rennison Island in a straight line to the southern point of Campania Island to Fawcett Point on Gil Island, thence in a straight line from Turtle Point on Gil Island to Camp Point on the mainland and bounded in the north by the International Boundary between Canada and Alaska.

*Queen Charlotte Islands Sub-district.*—The waters of the coasts of the Queen Charlotte Islands.

9. In District No. 3, the season when herring may be fished for, caught or killed by means of purse-seines or drag-seines begins at 12 o'clock midnight on August thirty-first in each year and shall terminate at 12 o'clock midnight on February fifth following; provided that if herring is taken in the following areas up to the amount of limits shown hereunder for each at an earlier date than midnight February fifth in any year, such fishing shall not be permissible after the date such limit for each such area is reached:

- |  |             |
|--|-------------|
| (a) Lower East Coast of Vancouver Island Sub-district. . .   | 40,000 tons |
| (b) Middle East Coast of Vancouver Island Sub-district . . . | 10,000 tons |
| (c) Upper East Coast of Vancouver Island Sub-district. . .   | 10,000 tons |

10. In District No. 2 the season when herring may be fished for, caught or killed, by means of purse-seines or drag-seines, shall terminate at 12 o'clock midnight on March tenth in each year, provided that if herring are taken in the following areas up to the amount of limits shown hereunder for each at an earlier date than midnight on March tenth in any season, such fishing shall not be permissible after the date such limit for each such area is reached:

- |                                     |             |
|-------------------------------------|-------------|
| (a) Central Sub-district . . . . .  | 40,000 tons |
| (b) Northern Sub-district . . . . . | 30,000 tons |

11. Notwithstanding the provisions for terminating fishing in any area for any reason herein prescribed, the Chief Supervisor of Fisheries may prohibit herring fishing in any area at an earlier date should he deem such to be necessary for the purposes of conservation, or should he find that herring therein are actually spawning or that they are so nearly spawning that fishing for them should not be permitted in the interests of conservation; also, if the Chief Supervisor is satisfied that it was not possible during the open season to obtain a necessary quantity of herring for bait purposes, he may permit the catching of a sufficient quantity during the closed season to meet bait requirements only.

12. When in the opinion of the Chief Supervisor, the catch limit of herring for any area or sub-district is reached or about to be reached, or when in his opinion in the interests of conservation further herring fishing should not be permitted in any area or sub-district of the province, he shall order all herring fishing by purse-seines and drag-seines in such area or

**Fisheries Act—continued**

sub-district to cease. A public notice by any Fishery Officer setting out the order of the Chief Supervisor and the hour and day such fishing shall cease, posted for twenty-four hours at a herring cannery, saltery or reduction plant in or nearest to the area or sub-district affected shall constitute legal notice of such order for the purposes of the Fisheries Act.

13. No one shall fish for herring by any means from noon on Saturday of each week to noon on Sunday.

14. If the captain of a herring purse-seine or drag-seine boat that is being used in operating a herring drag-seine or purse-seine is not himself the licensee of the said purse-seine or drag-seine, he shall require a licence from the Minister to authorize his operation of the said purse-seine or drag-seine. The fee for such licence shall be one dollar.

15. No one shall act as a helper, or in any other capacity in operating a purse-seine or drag-seine that is being used in herring fishing, or in scouting for herring, except under licence from the Minister.

16. The Chief Supervisor or District Supervisor may authorize, under licence without fee, the use of gill-nets or purse-seines by halibut and cod fishermen of the province for the taking of herring for bait purposes but not for sale or barter.

17. No one shall fish for herring by means of purse-seine or drag-seine in the waters of Pearl Harbour in the vicinity of Port Simpson, unless it is shown to the satisfaction of the District Supervisor of Fisheries that it was impossible to obtain a sufficient quantity of herring elsewhere for bait purposes. In such case the said supervisor may authorize herring seine fishing in the said Pearl Harbour for such length of time as he considers to be necessary to secure a sufficient supply of herring for bait purposes.

18. No herring pound shall be established until the site thereof has been approved by the Supervisor of Fisheries for the district, and no pound or other enclosure for the retention of live fish of any variety is to be established in the aforesaid Pearl Harbour.

19. No one shall use a purse-seine or drag-seine in herring fishing or fishing of any kind in Nanaimo Harbour, Departure Bay or Pender Harbour.

20. In Jap Inlet and Butler Cove, in the vicinity of Prince Rupert, no one shall fish for, catch or kill herring except for bait or food purposes.

21. In Ucluelet Arm, Barclay Sound District, fishing for or catching herring with a purse-seine shall not be permissible at any time, and fishing for or catching herring by any other means is permissible for bait purposes only except during the time herring are spawning therein.

22. Fishing for or catching herring with a purse-seine is prohibited in the following described area: Inside a straight line drawn from Knox Point on Graham Island to Lacy Island off the west coast of Langara Island, thence in a straight line to McPherson Point on Langara Island, thence in a straight line to Shag Rock, thence following the north shore of Graham Island to the point of commencement at Knox Point.

23. In Useless Inlet, Barclay Sound area, no one shall fish for, catch or kill herring by means of nets of any kind or description.



**Fisheries Act—continued**

24. In that portion of Winter Harbour, Quatsino Sound area, lying inside, that is northerly, of a straight line drawn between Grassy Point and Quashton River, no one shall fish for, catch or kill herring by means of nets of any kind or description; provided herring for bait purposes only may be taken from the waters inside such line, except during the time herring are spawning there.

**Section 9—Pilchard**

1. The use of nets other than gill-nets, drift-nets, drag-seines or purse-seines shall not be permitted in the capture of pilchard.

2. The length of drift-nets or gill-nets shall not be limited except when operated in a harbour, when not more than a total length of two hundred fathoms shall be operated under any one licence.

3. The fee on a pilchard drift-net or gill-net licence shall be one dollar.

4. A pilchard drag-seine shall not exceed one hundred fathoms in length, and the mesh thereof shall be not less than one inch extension measure.

5. The fee on a pilchard drag-seine licence shall be five dollars.

6. A pilchard purse-seine shall not exceed two hundred and seventy-five (275) fathoms in length. The mesh of a pilchard purse-seine shall not be less than one inch extension measure.

7. The fee on a pilchard purse-seine licence shall be five dollars.

8. If the captain of a pilchard drag-seine or purse-seine boat that is being used in operating a pilchard drag-seine or purse-seine is not himself the licensee of the said drag-seine or purse-seine, he shall require a licence from the Minister to authorize his operation of the said drag-seine or purse-seine. The fee for such licence shall be one dollar.

9. No one shall act as a helper, or in any other capacity in operating a purse-seine or drag-seine that is being used in pilchard fishing, or in scouting for pilchard, except under licence from the Minister.

**Section 10—Leases or Licences**

1. (a) Except as herein otherwise provided, fishing with nets or other apparatus, and taking of abalone or crabs, except under licence from the Minister is prohibited and no one shall leave any port or place in Canada to fish with nets or other apparatus either inside or outside territorial waters adjacent to the Province of British Columbia except under licence from the Minister.

(b) No licence shall be granted to any person, company or firm, unless such person is a British subject resident in the province, or has served in His Majesty's Canadian Armed Forces overseas, or to such company or firm unless it is a Canadian company or firm or is authorized by the Provincial Government to do business in the province.

(c) No one who is under sixteen years of age shall be eligible for a salmon drift-net or gill-net licence.

(d) No licence shall be transferred except by special written permission by the Chief Supervisor or by a Fishery Officer authorized by the Chief Supervisor to do so.

**Fisheries Act—continued**

- (e) Before a trap-net, purse-seine or drag-seine fishery licence shall be granted the applicant therefor shall make a statutory declaration setting forth,—

The name or names and nationality or nationalities of the owner or owners of such trap-net, purse-seine or drag-seine, or of the person or persons for whose benefit such trap-net, purse-seine, or drag-seine is to be operated.

- (f) No one shall act as captain or be in charge of a boat that is being used in operating gear for the capture of halibut or black cod except under licence from the Minister. The fee for such licence shall be one dollar.

2. (a) An Indian may, at any time, with the permission of the Chief Supervisor catch salmon to be used as food for himself and his family, but for no other purpose. The Chief Supervisor shall have the power in any such permit,—

- (1) To limit or fix the area of the waters in which such salmon may be caught, and
- (2) To limit or fix the means by which or the manner in which such salmon may be caught, and
- (3) To limit or fix the time in which such permission shall be operative.

- (b) An Indian shall not fish for or catch salmon pursuant to the said permit except in the waters, by the means or in the manner and within the time limit expressed in the said permit, and any salmon caught pursuant to any such permit shall not be sold or otherwise disposed of, and a violation of the provisions of the said permit shall be deemed to be a violation of these regulations.

- (c) Proof of a sale or of a disposition by any other means by an Indian of any salmon shall be *prima facie* evidence that such salmon was caught by the said Indian, and that it was caught for a purpose other than to be used as food for himself or his family, and shall throw on the Indian the onus of proving that such salmon was caught legally for commercial purposes.

- (d) Any person buying or accepting any salmon or portion of any salmon from an Indian, except salmon caught legally, under a commercial fishing licence, is guilty of an offence against these regulations.

3. A licensee shall, at all times, when engaged in fishing carry his licence with him, and shall, on demand, by a fishery officer or fishery guardian, produce his licence to such fishery officer or fishery guardian.

**Section 11—Marking of Boats and Nets**

1. All nets and fishing boats shall bear numbers corresponding with those of the licences under which they are operated, and each boat shall have the initials of the licensee and the number of his licence painted on both sides of the bow, or on both sides of the pilot house or deck cabin (on the boat itself and not on anything affixed thereto, so as to permit it being removed from the boat) in black on a white ground, the figures and letters to be not less than six inches in height, and each net shall have its number and the initials of its licensee legibly marked on buoys of wood or metal, painted white and floating in the water attached to each end of the net,

**Fisheries Act—continued**

and such numbers and initials shall be permanently kept on such boats and nets throughout the fishing season, and shall be so placed as to be visible without taking up the nets. Also, on each buoy shall be placed a flag, the top of which shall be at least three feet above the surface of the water. The dimensions of such flag shall not be less than eighteen inches broad by twenty-two inches long. Such flag shall be replaced by a lantern giving a white light from one hour after sunset until one hour before sunrise. Also each line of fishing gear used in halibut, cod and grayfish fishing shall be marked by a floating tag or buoy, attached to each end of the line; and there shall be legibly painted in white on black ground, on such tag or buoy, the initials of the licensee and the number of his licence.

2. No licensee shall have the number of his licence on more than one boat at the same time.

3. Also, in the case of a salmon purse-seine boat, the initials of the licensee and the number of his licence shall be painted on the top of the pilot house or on a board securely fastened to the top of the pilot house, in such a manner that they will be readily decipherable from the air. These initials and numbers shall be painted in black on a white ground and the figures and letters shall not be less than six inches in height.

*Section 12—Other Fish*

The annual fee for a licence for gill-nets or drift-nets, for catching all kinds of fish other than those named in these regulations, shall be one dollar.

*Section 13—Oysters*

1. Except from areas leased by the provincial authorities for the culture and cultivation of oysters, no one shall fish for or take oysters during the months of May, June, July and August in each year.

2. Except by special permission of the Provincial Minister of Fisheries, no one shall import into the province for introduction into areas vested in the Crown in the right of the province any oysters or oyster seed.

*Section 14—Perch*

No one shall fish for, catch or kill any perch during the months of June and July in each year.

*Pilchard—(See Section 9)*

*Section 15—Prohibitions*

1. No salmon gill-net or drift-net shall be cast from a boat nearer than one hundred yards in front of one already in the water.

2. Except as provided by subsection 17 (c) of this section and by paragraph (d) of sub-section 2 of section 18 of these Regulations, no sunken salmon or cod net, set salmon net or anchored salmon net shall be used in rivers or in other waters of the Province.

3. The use of floating salmon trap-nets shall not be permissible.

4. No one shall use or operate more than one net under any net licence.



**Fisheries Act—continued**

5. No one, other than the licensee, shall use or operate a gill-net.
6. No nets of any kind shall be so used as to enclose any bay, cove, creek or inlet, and in all cases one-third of the width of such bay, cove, creek or inlet shall remain open and unobstructed for the passage of fish.
7. No fishing boat shall carry a greater length of net than that permitted by the licence of the licensee in charge thereof, provided that if a licensee, when engaging in fishing, finds a net, he may take it into his boat, but he shall deliver it to the first fisheries patrol boat that may visit him or at the cannery in connection with which he is fishing, should he visit such cannery before the arrival of a fisheries patrol boat. In either instance he shall procure a receipt for the net on delivering it.
8. The use of bare, unbaited hooks or grapnels (cross lines) for the taking of sturgeon is prohibited.
9. The export of certain kinds of fish is prohibited. See Section 6.
10. The introduction of non-indigenous or non-native fish or fish eggs alive into the waters of the province, or the transfer of fish or fish eggs alive from one body of water to another within the province by other than a fishery officer, is prohibited except by special permission of the Minister.
11. No one shall fish with nets in Saanich Arm or in Finlayson Arm, Vancouver Island, inside of a straight line drawn from Hatch Point to James Point, nor, except with hook and line for grayfish shall anyone fish, with any implement, or dig or take clams in the said area for commercial purposes; provided that digging for clams shall be permissible in that portion of Saanich Arm lying outside, that is northerly of, a straight line drawn between Brentwood Wharf and the Mill Bay Ferry landing.
12. No one shall fish with nets nor for commercial purposes by any means except for oysters, crabs or clams, in Cowichan Bay or River, and no one shall fish with nets in the portion of Satellite Channel that is west of a straight line drawn from Cape Keppel on Salt Spring Island to James Point on Vancouver Island. Also, no one shall fish with nets in that portion of Sansum Narrows and Stuart Channel, including Maple Bay and Burgoyne Bay, south of a straight line drawn from Bare Point Lighthouse to North Reef Beacon, thence to Parminter Point.
13. No one shall fish with nets nor by any other means for commercial purposes in Comox Harbour inside of an imaginary straight line drawn in a southwesterly direction from a fishing boundary sign placed near Goose Spit Light to a fishing boundary sign placed near the mouth of Trent River at Royston.
14. Except as herein otherwise provided, the use of torches, or of artificial lights of any kind or of spears, jigs or snares in the capture of salmon, whitefish or trout of any kind or of steelhead, is prohibited, and no one shall trap or pen fish on their spawning grounds or in the rivers or streams leading thereto.
15. Notwithstanding the provisions of these regulations, no Indian or other person shall send, ship, bring or carry, or cause to be sent, shipped, brought or carried, any salmon or steelhead trout caught above a commercial fishing boundary to any place below such boundary, provided that when such salmon or steelhead trout is in a cured condition an Indian may bring below such boundary such quantity thereof as he and his family may require for their actual food purposes but not for sale or barter.

**Fisheries Act—continued**

16. (a) The minimum distance seaward from the mouth of any creek or stream where, in the opinion of the Chief Supervisor or the local fishery officer, unusual conditions exist, at which salmon fishing with nets or by trolling for commercial purposes may be conducted, may be determined by any fishery officer, and no such fishing equipment shall be operated, towed or allowed to drift above the line delimiting such distance.
- (b) In instances where, in the opinion of the Chief Supervisor or the local fishery officer, no unusual conditions exist, the minimum distance seaward from the mouth of a creek or a stream at which salmon nets or trolls for taking salmon for commercial purposes may be operated, shall be one-half mile, and no such net or troll shall be operated, towed or allowed to drift inside such distance, provided that this Regulation shall not apply to the Fraser, Naas, Skeena and Ecstall rivers in which salmon gill-net or drift-net fishing is permitted.
17. In salmon purse-seine fishing—
  - (a) The net may not be transferred from the purse-seine boat proper to one or more smaller boats to be cast for fishing from such smaller boat or boats, but it must be so cast directly from the purse-seine boat proper, but the use of a rowboat to assist the purse-seine boat proper in casting and closing the purse-seine for fishing is permissible;
  - (b) A power boat or power boats of any description other than the one from which the seine is directly cast shall not be used in any capacity to assist the seine boat or in any way operate the seine while the net is in the water;
  - (c) The net shall not be used as a set net, nor shall a purse-seine be extended from the shore or from an anchored boat, previous to being cast so as to enclose an area of water, nor shall a purse-seine be kept open for any time after being cast in the manner known as an "open set"; provided that in salmon purse-seine fishing at Whale Channel, Broughton Strait, Johnston Strait and Discovery passage, seine nets may be extended from the shore and shall be cast and closed so as to comply with what is known as an "open set";
  - (d) Except that in salmon purse-seine fishing in the waters of Juan-de-Fuca Strait, embraced in salmon purse-seine areas numbers 19, 20 and 21, as well as the extra-territorial waters off the west coast of Vancouver Island the following arrangements may apply:
    - (i) Salmon purse-seines not exceeding three hundred (300) fathoms in length shall be permissible.
    - (ii) Power boats or power skiffs may be used to assist seine boats in the seining operations.
    - (iii) "Open sets" shall be permissible in operating seines.
    - (iv) A lead or additional piece of net may be used in conjunction with the seine, providing the overall length of such lead or net and the seine shall not exceed three hundred (300) fathoms.

18. No one shall fish for, catch or kill Little Redfish (Kokanee) in any creek or stream up which these fish ascend to spawn.

19. In commercial fishing no one shall fish for, catch, kill, or have in possession any salmon that weighs less than three pounds in the round,

**Fisheries Act—continued**

nor shall anyone buy, sell or expose for sale any salmon that weighs less than three pounds in the round. For the purpose of this regulation, a salmon that weighs two and one-half pounds dressed with the head on shall be regarded as having weighed three pounds in the round.

20. No boat that is used in buying salmon or in collecting or carrying salmon may have any variety of fishing net or web aboard, when it is being so used.

21. The presence, without the written permission of a fishery officer, of any variety of salmon fishing net or web aboard a boat that is being used under authority of a salmon trolling licence in trolling for salmon, shall be deemed to be evidence of the catching of salmon by means of such net or web.

22. Except as herein otherwise provided, no one shall stone, club, shoot with any description of firearms, or in any manner whatsoever molest, injure or kill fish in any stream or lake, and no one shall drive or attempt to drive salmon downstream, or drive or attempt to drive salmon outside the fishing limits provided by the Fishery Regulations, about the mouth of any salmon stream; and no one shall use any vessel to cruise back and forth inside the fishing limits about the mouth of any salmon stream while salmon net fishing is being conducted adjacent to such limits.

23. No one shall fish for salmon with nets, or fish for, catch, or kill fish of any kind by means of trawling in that portion of Baynes Sound between an imaginary straight line drawn from Union Bay wharf on Vancouver Island to Beak Point at the north end of Denman Island, and an imaginary straight line from the most easterly point of Deep Bay due north to a fishing boundary sign placed on the shore of Denman Island approximately two miles west of Boyle Point.

24. Fishing for or catching salmon with a purse-seine shall not be permissible,—

- (a) In Area No. 3 as defined in section 5 of these regulations before a date fixed each year by the Chief Supervisor.
- (b) In Areas Nos. 9 and 10 as defined in section 5 of these regulations before a date fixed each year by the Chief Supervisor, which date will be fixed after the sockeye run is over.
- (c) In the waters of Area No. 17, as defined in section 5 of these regulations, lying easterly and northerly of Galiano and Valdez Islands before August twenty-fifth in each odd numbered year or before September first in each even numbered year excepting 1948 and in each fourth year thereafter there not being a big run of late sockeye salmon in such years, and not after September thirtieth excepting in years of big runs of late sockeye salmon, when not after October thirty-first, provided that in any instance where a salmon purse-seine is cast and completely closed and pursed in this area, brailing or removing the fish therefrom may be done or continue to be done even after the seine or boat operating it or both have drifted across the northern boundary of the said area.
- (d) In Areas Nos. 7, 8 and 11, as defined in section 5 of these regulations, before a date fixed each year by the Chief Supervisor.
- (e) In that portion of Area No. 5 lying within the boundaries of the Principe Channel area, as defined in section 5 of these regulations, before a date fixed each year by the Chief Supervisor.



**Fisheries Act—continued**

25. (a) The Chief Supervisor may prohibit purse-seining for salmon, during the whole or any portion of the year, in any area or areas, in which he determines such to be necessary for the proper protection of the salmon fisheries.
- (b) The posting of a public notice by the Chief Supervisor, once posted up in a post office, fish cannery, or fishing camp in such area shall constitute a legal notice of the closing of such area to purse-seine fishing.

26. Fishing for salmon for commercial purposes is prohibited in the waters between Kaien Island and the mainland of the province bounded on the north by an imaginary straight line drawn from Ritchie Point to Pethic Point and on the south by the Canadian National Railway bridge at Zenardi Rapids.

27. In Naden Harbour, on the north coast of Graham Island, no one shall fish for any purpose by means of an otter trawl.

28. Fishing for salmon by nets of any kind is prohibited in that portion of Nitinat Arm lying between a straight line drawn across the entrance thereof at a point known as Nitinat Bar, and a straight line drawn easterly and westerly across Nitinat Arm at a point above the Flats near the old saltery, marked on each side of the Arm by a fishing boundary sign.

29. In that portion of Burrard Inlet lying between the entrance of First Narrows at Prospect Point and a straight line drawn between Point Atkinson and Point Grey, no one shall fish for, catch or kill any fish except shrimps by means of trawling.

30. No one shall fish with nets or for commercial purposes by any means in Horseshoe Bay and that portion of Queen Charlotte Channel between Horseshoe Bay and Bowyer Island inside of a straight line drawn from Whytecliff Point to the most southerly point of Bowyer Island, thence due east magnetic to a point on the mainland.

31. Fishing for grayfish by means of gill-nets is prohibited in the following described area: Gabriola Pass and adjacent waters inside an imaginary straight line drawn from the most northerly point of Flat Top Island easterly to Thrasher Rock light, thence southerly through Valdez Island to Blackberry Point on the westerly shore of Valdez Island, and in the waters of Pylades Channel bounded by a straight line drawn from Blackberry Point to the southerly end of Pylades Island and a straight line drawn easterly and westerly across the westerly entrance of False Narrows.

32. Fishing by any means except for scientific purposes is prohibited in that portion of the Fraser River between Anderson Creek, which flows into the Fraser River approximately five (5) miles east of Hell's Gate, and Williams Creek, which flows into the Fraser River approximately one and three-quarters ( $1\frac{3}{4}$ ) miles west of Hell's Gate.

33. No one shall fish for any purpose by means of a trawl net in the following described waters of the East Coast area of District No. 3:

- (a) That portion of the Strait of Georgia north of a straight line drawn from Shelter Point on Vancouver Island to Lund on the mainland including Discovery Passage to Seymour Narrows; Hoskyn Inlet to a straight line drawn between Antonia Point and

**Fisheries Act—continued**

Mayor Point; Lewis Channel and Sutil Channel to a straight line running east and west from Read Island to Redonda Island through Bullock Bluff; Waddington Channel to Dean Point including Pendrell Sound; Homfray Channel to a line joining Hepburn Point and Brettel Point.

- (b) That portion of the Gulf of Georgia bounded on the south by a straight line drawn from Joan Point on Vancouver Island at the northwesterly entrance to Dodds Narrows, thence to Entrance Island Lighthouse, thence to Point Upwood at the south end of Texada Island, thence following the westerly shore of Texada Island to Blubber Point at the north end of said Island, thence in a straight line to Cape Lazo on Vancouver Island, thence following the easterly shore of Vancouver Island in a south-easterly direction to aforesaid Joan Point.
- (c) The area embracing Porlier Pass bounded on the east by a straight line drawn from Vernaci Point on Valdez Island to Dionisio Point on Galiano Island and including those waters of Trincomali Pass bounded on the north by a straight line drawn from Single Point on Valdez Island to a fishery boundary sign placed on the largest islet of the Rose Islet group, thence in a straight line to the most southerly point of Hall Island, thence to a fishery boundary sign placed on Galiano Island at the southerly entrance to Saltery Bay.
- (d) The area embracing Sansum Narrows, Cowichan Bay, Saanich Inlet and Satellite Channel from a straight line drawn between Grave Point and Erskine Point to a boundary formed by a straight line joining Eleanor Point and the most northerly point of Portland Island, and a straight line joining Kanaka Bluff to the most northerly point of Piers Island, thence to the most northerly point of Saanich Peninsula marked by a fishery boundary sign.
- (e) That portion of the waters of the east coast of Vancouver Island lying south of Dodds Narrows and False Narrows including Pylades Channel to a straight line joining Yellow Point and Shingle Point, during the period January 15 to May 14 in each year, both days inclusive.

34. Fishing for salmon by nets of any kind is prohibited in the waters of the west coast of Queen Charlotte Islands from Cape Knox to Cape St. James during the years 1947, 1948 and 1949.

35. No gill-nets shall be operated by utilizing any portion thereof to encircle or enclose any area of water, or by tying such nets together by means of a rope or other attachment so as to enclose or surround an area of water.

36. Fishing for or catching oulachons by any means for commercial purposes is prohibited in those portions of Kingcome and Knight Inlets lying inside, that is above, the commercial salmon fishing boundaries located approximately one mile from the head of each of said Inlets and marked by fishery boundary signs, as well as in Kingcome River and Kleena-Kleene River, tributaries of the aforementioned waters.

**Fisheries Act—continued**

**Section 16—Prohibited Areas**

Fishing by means of nets of any kind or description is prohibited in,—

- (a) The waters of Victoria Harbour, inside of an imaginary line drawn from Macauley Point to Clover Point, and embracing all the waters of the Harbour to Victoria Arm and including the Inlet.
- (b) Wyclese Lake, Smith Inlet area, above the rapids at the entrance thereof.
- (c) In Quashela Creek, and in the entrance thereof above a straight line drawn from a fishing boundary sign on Tenas Island to the southwestern side of the entrance to Quashela Creek, thence across the entrance to the said Quashela Creek to a fishing boundary sign placed on the south shore of Smith Inlet about four hundred yards eastward of the eastern side of the entrance to the said Quashela Creek. The said sign shall be placed in position by a fishery officer before the beginning of each fishing season.
- (d) The waters of Discovery Passage, at the mouth of Campbell River, Quathiaski district, bounded on the south by an imaginary straight line from Cape Mudge due west to a point on Vancouver Island, and on the north by an imaginary straight line drawn from Wilfred Point through the northwesterly point of Maude Island to the mainland of Quadra Island.
- (e) Ladysmith Harbour (Oyster Bay) inside of an imaginary straight line drawn from Sharp Point to Boulder Point.
- (f) Jaskatla Inlet, Queen Charlotte Islands, provided that if unusual conditions prevail which will result in salmon entering the inlet before a reasonable portion of them can be caught the Chief Supervisor may authorize salmon fishing in this inlet for such length of time as he may find safe, consistent with an adequate number of salmon escaping to the spawning areas.
- (g) Fulford Harbour, Salt Spring Island.
- (h) That portion of Johnstone Straits known as Salmon Bay, at the mouth of Salmon River, inside of an imaginary straight line drawn from a fishing boundary sign placed on the shore of Vancouver Island approximately one mile northwesterly from Kelsey Bay wharf to a fishing boundary sign placed on the Vancouver Island shore approximately one-half mile easterly of Port Kusam.
- (i) In the waters in and adjacent to the mouth of the Fraser River that are bounded on the south by the north jetty on the main channel of said river, and on the north by the row of range pile dolphins approximately one thousand feet distant from and extending parallel to the aforesaid north jetty from Steveston to the western extremity of said jetty.
- (j) In the waters in and adjacent to the mouth of the Fraser River that are bounded on the north by the south jetty extending from Smoky Tom Island, thence by a straight line drawn from the westerly extremity of said jetty in a southeasterly direction to a fishing boundary sign placed on the shore of Smoky Tom Island, approximately three-quarters of a mile southwesterly from the easterly end of the south jetty.

**Section 17—Smelts and Sardines**

1. The use of nets other than gill-nets or drift-nets or purse-seines or drag-seines for the catching of smelts or sardines is prohibited.



**Fisheries Act—continued**

2. The mesh of a smelt or sardine drift-net or gill-net shall not be less than one inch extension measure, when in use.

3. The fee for a smelt or sardine gill-net or drift-net licence shall be one dollar.

4. The mesh of a smelt or sardine drag-seine shall not be less than three-quarters of an inch extension measure when in use.

5. The fee for a smelt or sardine drag-seine licence shall be one dollar.

6. A smelt or sardine purse-seine shall not be more than fifty fathoms in length and the mesh thereof shall not be less than three-quarters of an inch extension measure when in use.

7. The fee for a smelt or sardine purse-seine licence shall be one dollar.

8. In District No. 1 no one shall fish for, catch or kill any smelts from July fifth to August fifth, in each year, both days inclusive.

**Section 18—Salmon**

1. The use of nets other than drift-nets or gill-nets, set-nets, drag-seines, purse-seines and trap-nets shall not be permitted in the capture of salmon.

2. (a) No one shall fish for or catch salmon by means of a drift-net or gill-net and no one shall act as a boat puller, engineer or assistant in operating a gill-net or drift-net that is being used in salmon fishing, except under licence from the Minister. Each person in a boat that is being used in salmon gill-net or drift-net fishing shall be required to have a licence.

(b) The fee for a salmon drift-net or gill-net licence or for a salmon gill-net boat puller, engineer or assistant licence shall be one dollar.

(c) In Fisheries Districts Nos. 1 and 3, a gill-net or drift-net for taking salmon shall not exceed two hundred fathoms in length except in the Fraser River above, that is, easterly of a line drawn due north and south magnetic through Point Garry Observatory in the vicinity of Steveston where a gill-net or drift-net for taking salmon shall not exceed one hundred and fifty fathoms in length, and the depth or vertical breadth thereof shall not exceed sixty meshes of uniform size; provided that the Minister may authorize the use of longer gill-nets or drift-nets for catching salmon on the west coast of Vancouver Island. In Fisheries District No. 2 such net shall not exceed two hundred fathoms in length and the depth or vertical breadth thereof shall not exceed fifty meshes of uniform size; provided that for nets having a mesh of six and one half inches extension measure or greater when in use the depth or vertical breadth thereof shall not exceed sixty meshes of uniform size. There shall be no minimum limit for the mesh of sockeye gill-nets or drift-nets. The mesh of other salmon gill-nets or drift-nets shall not be less than six and one-half inches extension measure when in use, provided that set-nets with meshes of not less than five and three-quarters inches extension measure, when in use, may be permitted in the Nicomekl River under conditions prescribed

**Fisheries Act—continued**

from time to time by the Chief Supervisor. In no instance shall anything be done practically to diminish the size of the mesh or to increase the depth beyond the vertical measurement of the number of meshes authorized for use.

- (d) Set nets shall be confined to the Nicomekl River in District No. 1 and then to the capture of coho salmon only and the conditions under which they may be used shall be prescribed from time to time by the Chief Supervisor.
  - (e) To enable an adequate escapement of certain species of salmon in any area, the Chief Supervisor may at any time, or from time to time, prohibit the use of salmon gill-nets or drift-nets that have smaller or larger meshes than he determines to be necessary to allow such salmon to escape for conservation purposes.
3. (a) A salmon drag-seine shall not exceed one hundred fathoms in length, and one hundred and eighty meshes in depth, and the mesh thereof shall not be less than three inches, extension measure, when in use.
- (b) The fee for a salmon drag-seine licence shall be twenty dollars.
- (c) No one shall act as a helper or in any other capacity in operating a drag-seine that is being used in salmon fishing except under licence from the Minister.
4. (a) A salmon purse-seine shall not exceed two hundred fathoms, nor be less than one hundred and fifty fathoms in length, nor less than two hundred and fifty meshes in width or depth in any part. The mesh of a salmon purse-seine shall not be less than three and one-half inches extension measure. No lead or additional piece of net shall be used or attached to a salmon purse-seine when it is being used in fishing.
- (b) No salmon fishing boat shall carry or operate more than one seine of any description and no additional net of any kind shall be carried on such boat, provided that not more than fifty fathoms of purse-seine web of a depth of not more than one hundred meshes of the dimension of the seine net at that time being used may be carried for the purpose of repairs, but such web shall be in unhung condition.
- (c) The fee for a salmon purse-seine licence shall be twenty dollars.
- (d) If the captain of a salmon purse-seine or drag-seine boat that is being used in operating a salmon purse-seine or drag-seine is not himself the licensee of the said purse-seine or drag-seine he shall require a licence from the Minister to authorize his operation of the said purse-seine or drag-seine. The fee for such operating licence shall be one dollar.
- (e) No one shall act as a helper or in any other capacity in operating a purse-seine that is being used in salmon fishing except under licence from the Minister.
5. (a) A salmon trap-net shall be located on a definite site, specified in the licence, and shall be at least four hundred fathoms distant from the nearest adjacent trap-net. The mesh of such trap-net shall not be less than six inches, extension measure, in the leader or lead, no more than two inches, extension measure, in the heart, crib or pot.
- (b) The fee for a salmon trap-net licence shall be five hundred dollars.

**Fisheries Act—continued**

6. No one, other than a British subject, actually resident on either side of the Fraser River, above, that is east of, the New Westminster Bridge, shall be eligible for a licence to fish for salmon in that portion of the Fraser River above, that is east of, the New Westminster Bridge, and no salmon fishing shall be carried on in such portion of the river except under a special licence which shall have conspicuously stamped across its face the words "This licence shall be valid between New Westminster Bridge and Mission Bridge". Fishing under this licence shall not be conducted in any other portion of the river than that specified.

7. (a) No one shall fish for salmon for commercial purposes by means of trolling, except under licence from the Minister. Each person in a boat that is being used in trolling for salmon shall be required to have a licence.
- (b) The fee for a salmon trolling licence shall be one dollar.

*Close Season for Salmon*

8. (a) No one shall fish for or take sockeye salmon in the waters of the province that are south of 49°30' parallel of north latitude and east of Vancouver Island from the first of October in each year to the thirtieth of June following, both days inclusive, provided that in years of big runs of late sockeye to these waters no one shall fish for or take sockeye salmon after October thirty-first in each such year.
  - (b) Except as herein otherwise provided no one shall fish for or take sockeye salmon in the waters of the province east of Vancouver Island that are north of 49°30' parallel of north latitude, from the first of October in each year to the nineteenth of June following, both days inclusive, nor in District No. 2 from and including the first of October in each year to 6 p.m. of the last Sunday in June following.
  - (c) No one shall fish for or take sockeye salmon in the Nimpkish, MacKenzie Sound, Port Neville and Hayden Bay areas, and in the waters of the west coast of Vancouver Island, from the first of October in each year to the fourteenth day of May following, both days inclusive.
  - (d) During the close times hereinbefore mentioned no salmon purse-seine, drag-seine or trap-net, or no salmon gill-net or drift-net having a mesh of less than six and one-half inches extension measure, shall be used in fishing for or catching sockeye salmon.
  - (e) No one shall fish for or take sockeye salmon in the Naas River and Skeena River gill-net areas from the first day of October in each year to 6 p.m. of the second last Sunday in June following.
9. No one shall with any kind of gear, fish for, catch or kill any kind of salmon from December 1 in each year to January 31 following, both days inclusive, and during this close time no salmon nets of any kind may be placed in the water, provided that the Chief Supervisor may prohibit fishing for coho, pink or chum salmon in any area at an earlier date than the beginning of the close time specified herein, should he find that any one or more of these species of salmon in such area has so far advanced towards spawning as not to be in a satisfactory condition for food, provided also



**Fisheries Act—continued**

that the Chief Supervisor may authorize fishing for salmon in any area before the expiry of the close time therefor, if he has found that the pink and chum salmon and a sufficient proportion of coho salmon have passed up to the spawning grounds to seed them adequately.

Provided, further, that the Chief Supervisor may authorize salmon fishing to begin at an earlier date outside the territorial waters of Canada in which United States fishermen operate so long as no close time is enforced on such United States fishermen.

10. In that portion of the waters between Vancouver Island and the mainland that are southward and eastward of a straight line drawn from the most northerly point of Menzies Bay on Vancouver Island through the most northerly point of Stuart Island to the shore of the mainland, and eastward and northward of a straight line drawn north and south magnetic from the lighthouse on Trial Island, no one shall for commercial purposes fish for coho or blueback salmon by any means from January first to May thirty-first in each year, both days inclusive, and any such salmon that may be accidentally caught, while fishing for other fish, in the aforesaid area, during the said period, shall be liberated and returned to the water with as little injury as possible by the person catching it.

11. No one shall fish for, catch or kill salmon by means of nets of any kind prior to October tenth in each year in that portion of the waters of the East Coast of Vancouver Island within two miles thereof between a point two miles southeasterly of Englishmen's River to a point two miles northwesterly of Big Qualicum River.

*Section 19—Sturgeon*

1. (a) No one shall fish for, catch or kill sturgeon otherwise than by angling or with gill-nets or drift-nets.
- (b) A sturgeon gill-net or drift-net shall not exceed one hundred and fifty fathoms in length and the mesh thereof shall not be less than twelve inches extension measure.
- (c) The fee for a sturgeon gill-net or drift-net licence shall be one dollar.

2. No one shall fish for, catch, kill or have in possession any sturgeon that will measure less than three feet in length, measuring from the point of the nose to the tip of the tail, and if any such sturgeon is taken inadvertently, it shall be immediately liberated alive and uninjured at the place it was taken by the person catching it.

*Section 20—Shrimps*

1. No one shall fish for, catch, or kill any coon stripe shrimps in that portion of Burrard Inlet lying between the Second Narrows bridge and Roche Point from December first in each year to March thirty-first following, both days inclusive.

2. The fee for a shrimp licence shall be one dollar.

3. No one shall fish for, catch or kill shrimps in that portion of Burrard Inlet lying between First Narrows Bridge and Second Narrows Bridge.

*Section 21—Trawl-Net*

The mesh of the net in any otter or beam trawl used for catching fish other than shrimps, shall be not less than four inches (4") extension measure when in use.

**Fisheries Act—continued****Section 22—Weekly Close Times**

1. In District No. 1, no one shall fish for salmon otherwise than by trolling from Saturday at 8.00 a.m. in each week to Monday at 8.00 a.m. following; provided that in the portion of the Fraser River above New Westminster Bridge no one shall fish for salmon by any means from Saturday at 8.00 a.m. in each week to Monday at 12.00 noon following.

2. In Districts Nos. 2 and 3 no one shall fish for salmon, otherwise than by trolling, from Friday at 6 p.m. in each week to Sunday at 6 p.m. following; provided that purse-seine fishing for salmon shall not be permissible from Friday midnight in each week to Sunday midnight following; also provided that in the extra-territorial waters in which United States purse-seiners operate, and on whom no close time is enforced, this close period shall not apply so long as there is no such time applied to United States purse-seiners operating in such waters; provided further that in the portion of District No. 3 lying eastward of a straight line drawn from Welcome Point to Entrance Island light, thence to Berry Point on Gabriola Island, thence following the easterly shores of Gabriola, Valdez and Galiano Islands to Active Pass, thence northerly to the most westerly point of the International Boundary lying on the 49th parallel, the weekly close time for salmon gill-net fishing shall be the same as that specified for District No. 1; provided further that in the waters of Barclay Sound and Alberni Canal inside of a straight line drawn from Pachena Point to the south-westerly entrance of Wreck Bay, no one shall fish for salmon otherwise than by trolling from Saturday at 8 a.m. in each week to Monday at 8 a.m. following. Also provided that in 1949 and in each odd-numbered year thereafter the weekly close time for salmon net fishing in the waters of Juan de Fuca Straits embraced in Salmon Purse-Seine Areas Nos. 19, 20 and 21, during the period August 25 to September 15 inclusive in each year, shall be for a period of thirty-six (36) hours only, which period shall commence each week twelve (12) hours later than the usual forty-eight (48) hour weekly close time period prescribed.

3. During the weekly close time for salmon trap-net fishing each trap-net shall be closed by an apron placed across the outer entrance to the heart of the trap, which apron shall extend from the surface to the bottom of the water, and shall be securely connected to the piles on either side of the heart of the trap-net fastened by rings not more than two feet apart on taut wires stretched from the top to the bottom of the piles, and such apron or the appliance by which it is raised or lowered, shall be provided with a signal or flag, which shall disclose whether the trap-net is closed and which shall be of the form and character approved by the Chief Supervisor, provided that in addition to the foregoing requirement such trap-net shall be equipped with an opening to the satisfaction of the said Chief Supervisor, in the lead of such trap-net next to the entrance to the heart, of not less than twenty feet in width at any part and extending below the surface at least ten feet below low water, which opening shall remain open and unobstructed during the full period of each weekly close time or annual close season.

**Section 23—Close Seasons and Weekly Close Times May be Extended**

1. When in the opinion of the Chief Supervisor, District Supervisor or local fishery officer a sufficient escapement of salmon is not passing in any area to adequately seed the spawning grounds adjacent thereto, he is

**Fisheries Act—continued**

hereby authorized to require and enforce at any time or from time to time such extension of the close season or weekly close time for salmon fishing prescribed by these regulations for such area as he may deem necessary for the purposes of conservation.

2. Public notice by any of the aforesaid officers of extension of such close season or weekly close time posted once at a post office, fish cannery or fishing camp in or adjacent to the area or areas affected at least twenty-four hours in advance of such extension shall constitute legal notice thereof.

*Section 24—Net Fishing in Certain Non-Tidal Waters*

1. Fishing with nets in non-tidal waters specified in this section is permissible under licence from the Provincial Minister of Fisheries.

2. Net fishing shall be confined to the use of set nets, drag-seines and dip-nets, and shall be confined to such area or areas as may be specified in the licence, and also shall be in accordance with conditions, not inconsistent with the provisions of the regulations, prescribed in the licence.

3. In the lakes of the Provincial Electoral Districts of Peace River, Fort George, Omineca, Cariboo, and in Atlin, Teslin, Gladys, Bennett, Tagish, Surprise and Tutshi lakes in the Provincial Electoral District of Atlin, gill-nets may be authorized for the capture of whitefish, char, lake trout and fish of all other species except salmon, sturgeon and other trout not mentioned herein; provided that in any of the lakes in the said Provincial Electoral Districts that are less than four miles in length, no nets of any description shall be used, except as provided in Subsection 10 of this Section; and provided further that gill-nets may be used in Babine and Francois lakes and the Nechaco River and that portion of the Fraser river between Prince George and the head of navigation, for the capture of sturgeon; and that gill-nets, drag-seines, and dip-nets may be authorized for the capture of Little Redfish or so-called Kokanee in Arrow, Kootenay, and Christina lakes, and in the lakes of the Peace River, Fort George, Omineca and Cariboo Provincial Electoral Districts; provided further, that the use of dip-nets only may be authorized for the capture of Little Redfish or so-called Kokanee in Okanagan, Woods and Long Lakes in the Okanagan district. Net fishing for commercial purposes shall not be permitted in Uncha, Binta, Fraser and Cheslatta lakes.

4. A gill-net licence for the capture of fish other than sturgeon shall authorize the use of not more than five hundred yards in length of gill-net. The mesh of such net shall not be less than three inches extension measure when in use, and the fee on such licence shall be one dollar.

5. A gill-net licence for the capture of sturgeon shall authorize the use of not more than one hundred and fifty fathoms in length of gill-net. The mesh of such net shall not be less than twelve inches, extension measure, when in use, and the fee on such licence shall be two dollars and fifty cents.

6. A drag-seine licence shall authorize the use of not more than two hundred yards in length of net. The mesh of such net shall not be less than one and one-quarter inches, extension measure, when in use, and the fee for such licence shall be one dollar.



**Fisheries Act—continued**

7. Each and every person holding a licence issued under the authority of this section shall, on or before the 31st of March in each year, submit a written return to the Minister of Fisheries for the Province on a form to be supplied by him, setting out full particulars as to the kind, number and total weight of fish taken thereunder.

8. (a) The use of gill-nets or drag-seines in any lake in Atlin and Cariboo Districts is prohibited during the months of March and April and from the first day of July until the fifteenth day of October, both days inclusive, in each year, provided that in Atlin, Teslin, Gladys, Bennett, Tagish, Surprise and Tutshi lakes in the Atlin District, the use of gill-nets or drag-seines is prohibited from September fifteenth to November thirtieth in each year, both days inclusive.

(b) The use of gill-nets and drag-seines in any lake in Omineca and Prince George Districts is prohibited during the months of March and April in each year. During the remainder of the year, the mesh of such nets shall not be less than four inches extension measure when in use, provided that from July first in each year to November thirtieth following the mesh of such nets shall not be less than six and one-half inches extension measure when in use; provided further that during the month of October in each year no one shall fish for commercial purposes in Francois Lake.

9. The use of gill-nets, drag-seines or dip-nets in Arrow, Kootenay or Christina Lakes, and the use of dip-nets in Okanagan, Woods and Long Lakes in the Okanagan District is prohibited from the tenth day of December in each year to the fifteenth day of August following, both days inclusive.

10. Notwithstanding the provisions contained in subsection 3 of this section, licences authorizing the use of any kind of nets of suitable mesh in non-tidal waters of the Province for the capture of fish other than trout, salmon and sturgeon may be granted by the Provincial Minister of Fisheries, provided that any trout, salmon or sturgeon inadvertently caught must be returned to the water alive and uninjured at the place taken by the person catching it.

11. The weekly close time for gill-net or drag-seine fishing shall be from Saturday at six o'clock p.m. to Monday at six o'clock a.m. following, during which time no net shall be left or placed in any of the waters specified in this section; provided this weekly close time shall not apply during the months of January and February of each year; provided further that the weekly close season in Christina Lake shall be from Thursday at six o'clock p.m. to Saturday at six o'clock a.m. following.

12. A dip-net licence for the capture of little red-fish or so-called kokanee, shall authorize the use of a dip-net, the ring or frame of which shall measure not more than twenty inches in diameter or across the longest side when in use. The fee for such licence shall be one dollar.

**Section 25—Sport Fishing in Tidal Waters**

1. Except as provided otherwise in these regulations, no one shall fish for, catch, or kill in any one day in sport fishing in tidal waters more trout than will in the aggregate amount to more than fifteen (15) fish.

**Fisheries Act—continued**

2. In sport fishing in tidal waters no one shall fish for, catch or kill in any one day, more than five (5) salmon; provided it shall be permissible for any one in one day to fish for, catch, or kill no more than ten (10) grilse, or such number of grilse than when added to the catch of salmon will not aggregate more than ten (10) fish. (The term "grilse" is defined in these regulations as meaning salmon of three (3) pounds in weight, or less, undressed.)

3. In the tidal portions of the Serpentine, Nicomekl, Campbell, Salmon and Beaver Rivers, in the Lower Mainland District, no one shall fish for, catch, or kill fish of any kind, except from August sixteenth to March thirty-first, both days inclusive.

4. The Chief Supervisor may, at any time, prohibit all angling or trolling in sport fishing in any portion of tidal waters for such time as he may deem necessary to assure a sufficient escapement of any fish to seed adequately the spawning grounds adjacent thereto. A public notice by the Chief Supervisor of such prohibition posted once in the Post Office for the district shall constitute legal notice of such prohibition.

5. In angling, other than by trolling, no one shall use more than one rod with one line attached thereto.

6. In angling, no one shall, on any line, use gear designed to catch more than one fish at one time, provided this regulation shall not apply to fly fishing. Provided further that in the Fraser River lying downstream from Hope Traffic Bridge, gear designed to catch not more than two fish at one time may be used on one line.

7. No trout caught by angling shall be bought, sold or exposed for sale for export from the province, provided this regulation shall not apply to trout artificially propagated under authority of a permit issued in accordance with the provisions of these regulations.

8. In the tidal portion of streams of Vancouver Island, as well as those of the islands adjacent thereto, and of those between Vancouver Island and the mainland, the use or possession of fish roe of any kind or any compound of fish roe and oil or other substance while angling is prohibited.

9. In the tidal portions of Capilano, Seymour and Lynn Creeks, North Vancouver District, the use or possession of fish roe of any kind or any compound of fish roe and oil or other substance while angling is prohibited.

10. No trout or salmon of any kind under eight inches in length shall be taken from the water, and if caught shall be immediately returned to the water alive, and if possible uninjured. The length shall constitute the distance from the point of nose to the centre of the tail. (In handling undersized fish care should be taken to have the hands wet, otherwise the fish will probably not survive.)

11. No one fishing by angling shall at any time have in his possession more than three days' catch limit of fish as prescribed in these regulations.

**Section 26—Sport Fishing in Non-Tidal Waters**

1. The dates mentioned in these regulations are applicable each year unless otherwise noted.

**Fisheries Act—continued**

2. For the purposes of administration of sport-fishing in non-tidal waters, the province shall be divided into the following districts:

Vancouver Island District.—Shall include all the non-tidal waters of Vancouver Island, as well as those of the islands adjacent thereto and of those between Vancouver Island and the mainland.

Lower Mainland District.—Shall include all the non-tidal waters in that portion of the mainland of the province and islands adjacent thereto that is west of the 121st meridian and south of the 51st parallel of north latitude.

Okanagan District.—Shall include all the waters in the portion of the province that is east of the 121st meridian and south of that portion of the 51st parallel of north latitude from the 121st meridian to Revelstoke inclusive, and west of a straight line drawn from the City of Revelstoke inclusive, through the Town of Midway to the International Boundary Line.

Kootenay District.—Shall include all the waters in the portion of the province that is east and northeast of the eastern boundary of the Okanagan District to the eastern boundary of the province and south of the main line of the Canadian Pacific Railway.

Northern District.—Shall include all the non-tidal waters in the remaining portion of the province.

3. In angling no one shall use more than one rod with one line attached thereto, provided that in trolling, otherwise than for commercial purposes, if there is one person in a boat such person shall not use more than two lines, or if there is more than one person in a boat they shall not use more than one line each, which line or lines need not be held in the hand; and except under the provisions of Section 24 of these regulations no one shall fish for, catch or kill any trout in non-tidal waters otherwise than by angling or trolling.

4. In angling, no one shall on any line use gear designed to catch more than one fish at one time, provided this regulation shall not apply to fly-fishing.

5. No trout caught by angling shall be bought, sold or exposed for sale for export from the province; provided this regulation shall not apply to trout artificially propagated under authority of a permit issued in accordance with the provisions of these regulations.

6. Fishing through the ice is prohibited in all waters of the province, except for lake trout or char in Lac La Hache.

7. In the non-tidal waters of the Vancouver Island District, the use or possession of fish roe of any kind, or of any compound of fish roe and oil or other substances while angling is prohibited.

8. In all waters and tributaries of the Capilano, Seymour and Lynn Creeks, North Vancouver District, the use or possession of fish-roe of any kind, or of any compound of fish-roe and oil or other substances while angling is prohibited.

9. No trout or salmon of any kind under eight inches in length shall be taken from the water, and if caught shall be immediately returned to the water alive, and if possible uninjured. The length shall constitute the distance from the point of nose to the centre of the tail. (In handling undersized fish care should be taken to have the hands wet, otherwise the fish will probably not survive.)



**Fisheries Act—continued**

10. In sport fishing, in non-tidal waters, no one shall fish for, catch or kill, in any one day by means of angling or trolling, or by both means, more steelhead or salmon that are over five (5) pounds each in weight than three (3), except in the Lower Mainland District wherein the daily bag-limit shall be two (2). (Steelhead under five (5) pounds each in weight are classed, for the purpose of these regulations, as rainbow trout.)

11. Small-Mouthed Black Bass.—

- (a) Except as provided otherwise in these regulations, no one shall fish for, catch, or kill any small-mouthed black bass, except from July 1 to March 31, both days inclusive.
- (b) No one shall fish for, catch, or kill in any one day more than twelve (12) small-mouthed black bass.

12. The Attorney-General for the province of British Columbia, may at any time prohibit all angling in any non-tidal lake or stream for such time as he may deem necessary for the proper protection of the trout therein. A public notice by the said Attorney-General of such prohibition that is posted up once in the post office for the district shall constitute a legal notice of such prohibition.

13. Nothing in these regulations shall apply to the breeding or rearing of trout of any kind by private enterprise for commercial purposes; provided that no one shall engage in breeding or rearing of trout for commercial purposes except under permit from the Attorney-General for the province of British Columbia and under rules that may be prescribed by the said Attorney-General.

14. Except as provided otherwise in these regulations, no one shall fish for, catch or kill in any one day by angling in non-tidal waters more trout or grilse than will in the aggregate amount to more than twelve (12) fish (including steelhead), but in no case shall any one in any one day take trout (exclusive of steelhead), and grilse totalling more than twenty-five (25) pounds and one (1) additional fish.

15. In the non-tidal waters of the province no person shall use live fish of any kind for bait or have the same in possession for the purpose of angling.

16. It shall be unlawful to deposit or scatter or otherwise ground-bait any fish-eggs, fish-roe, and oil, or other substances in any portion of the non-tidal waters of the province for the purpose of attracting, collecting, feeding, or taking fish of any kind.

17. No one fishing by angling shall at any time have in his possession more than three (3) days' catch limit of fish, as prescribed in these Regulations.

18. Vancouver Island District.

- (a) In the non-tidal waters of the Vancouver Island district, except as provided otherwise in these regulations, no one shall fish for, catch or kill any cutthroat, brown (Loch Leven), Rainbow, or Kamloops trout, except from March 1 to November 30, both days inclusive.
- (b) In that portion of Mill stream lying between Shawinigan Lake and Little Shawinigan Lake, no one shall fish for, catch or kill fish of any kind, except for purposes of fish culture.

**Fisheries Act**—*continued*

- (c) There shall be no close season for cutthroat, brown (Loch Leven), Rainbow, or Kamloops trout in the portions of the following waters lying downstream from the points thereon designated hereunder:
- Salmon River—First bridge on Government Road upstream from the mouth,
  - Oyster River—Island Highway bridge,
  - Campbell River—Island Highway bridge,
  - Puntledge River—Upper Government bridge in Courtenay,
  - Tsable River—Island Highway bridge,
  - Big Qualicum River—Fishing boundary signs, approximately two hundred and fifty (250) yards above Island Highway bridge,
  - Little Qualicum River—Island Highway bridge,
  - French Creek—Island Highway bridge,
  - Englishman River—Island Highway bridge,
  - Nanaimo River—Island Highway bridge (lower),
  - Chemainus River—Island Highway bridge,
  - Cowichan and Koksilah Rivers—The bridge on the Lower Trunk Road,
  - Somass River—The old paper-mill dam,
  - Sooke River—A point approximately one-quarter mile above the confluence with Demanuel Creek marked by fishing boundary sign,
  - Tsolum River—Sandwich Store, Sandwich.
- (d) In the lakes and streams of Forbidden Plateau, Courtenay district, no one shall fish for, catch, or kill fish of any kind, except from June 1 to November 30, both days inclusive.
- (e) In the non-tidal portion of Sayward Creek lying downstream from the Burbridge Road, in the Saanich District, no one shall fish for, catch, or kill fish of any kind, except from April 16 to November 30, both days inclusive.
- (f) In Prospect, Beaver, Langford, Elk and St. Mary Lakes, no one shall fish for, catch, or kill any small-mouthed black bass, except from March 1 to November 30, both days inclusive.
- (g) Fishing of any kind in any of the tributaries of the Somass, Stamp, and Ash Rivers, in the Alberni District, any greater distance than twenty-five (25) yards above or beyond the mouths of the said tributaries is prohibited.
- (h) Fishing of any kind in the Upper Nahmint River flowing into Nahmint Lake is prohibited.
19. Lower Mainland District.
- (a) In the non-tidal waters of this district, except as provided otherwise in these regulations, no one shall fish for, catch, or kill any rainbow, cutthroat, or Kamloops trout, except from March 1 to November 30, both days inclusive.
- (b) In the portions of the Serpentine, Nicomekl, Campbell, Salmon and Beaver Rivers, or in their tributaries, that are above the following boundaries:—
- Serpentine River—Townline Road near Tynehead,
  - Nicomekl River—Berry Road,
  - Campbell River—Hall's Prairie Road near Hazelmere,
  - Salmon River—280 Street,
  - Bear Creek (tributary to Serpentine River)—Johnson Road,

**Fisheries Act—continued**

Beaver Creek—Jackman Road,  
and in Anderson Creek, tributary of the Nicomekl River,  
and that portion of the Nicomekl River within fifty (50)  
yards of the mouth of Anderson Creek, marked by fishing  
boundary signs, no one shall at any time fish for, catch,  
or kill fish of any kind. In the remaining portions of the  
Serpentine, Nicomekl, Campbell, Salmon and Beaver Rivers,  
and their tributaries in such remaining portions, no one shall  
fish for, catch, or kill fish of any kind, except from August 16  
to March 31, both days inclusive.

- (c) In the waters of the streams and lakes or portions thereof in the  
watersheds of the Capilano River, Seymour and Lynn Creeks,  
that are above the intake of the waterworks in connection with  
the water supply for the cities of Vancouver and North Van-  
couver and the district of North Vancouver, no one shall fish for,  
catch or kill fish of any kind. In the remaining portions of the  
Capilano River, Seymour and Lynn Creeks lying above the  
points designated in paragraph (e) of this subsection, and their  
tributaries in such remaining portion, no one shall fish for, catch,  
or kill fish of any kind, except from December 1 to July 31,  
both days inclusive.
- (d) Fishing by any means in Hairsine and Steelhead creeks, which  
flow into Hayward Lake and in Sweltzer Creek from Cultus Lake  
to five hundred (500) feet below the main highway bridge  
crossing said creek excepting for purposes of fish culture, is  
prohibited.
- (e) There shall be no close season for steelhead, rainbow, cutthroat, or  
Kamloops trout in Harrison River, Harrison Lake, Pitt Lake  
and Pitt River (lower), nor in the portions of the following  
waters lying downstream from the points thereon designated  
hereunder:

Fraser River—Hope traffic bridge,  
Capilano River—Keith Road bridge,  
Lynn Creek—Third Street bridge,  
Seymour Creek—Keith Road bridge,  
Brunette River—North Road bridge,  
Coquitlam River—Old Lower Pitt Road bridge,  
Sturgeon Slough—The dyke gate,  
North Alouette River—Old bridge at abandoned logging  
road approximately one mile above the junction of the  
North and South Alouette Rivers,  
South Alouette River—Townline Road bridge,  
Kanaka Creek—Baker bridge approximately one mile from  
the Canadian Pacific Railway,  
Whonnock Creek—Canadian Pacific Railway track bridge,  
Stave River—New dam near Ruskin,  
Silverdale River—Canadian Pacific Railway track bridge,  
Hatzie Slough—Canadian Pacific Railway track bridge,  
Matsqui Slough—The dyke gate,  
West Creek—Canadian National Railways track bridge,  
Beaver River—River road bridge,  
Sumas River—British Columbia Electric Railway bridge,  
Vedder and Chilliwack Rivers—Line drawn across at mouth  
of Liumchim Creek.



**Fisheries Act—continued**

- (f) No one shall fish for, catch, or kill fish of any kind in the following streams all in the Bridge River District:
- Penrose Creek—Tributary of Little Gun Lake,
  - Little Gun Creek—Connecting Little and Big Gun Lakes,
  - Big Gun Creek—Flowing out of Big Gun Lake to Gun Creek,
  - McDonald (Fish) Creek—Flowing out of McDonald (Fish) Lake into Bridge River,
  - Crane's and Bell's Creeks—Tributaries of Tyaughton Lake,
  - Tyaughton Creek—For a distance of one mile downstream from Tyaughton Lake and in the Squamish District in those streams known as Mashiter Creek, a tributary of Mamquam River and Brohm Creek, a tributary of Cheekeye River.
- (g) No one shall fish for, catch, or kill trout of any kind in Miller Alpha, Nita, Alta, Mons, Rainbow, Summit and Twenty-one Mile creeks (all in the Alta Lake District), except from June 16 to March 31, both days inclusive.
- (h) Fishing within a radius of one hundred (100) yards of the mouths of all rivers and streams entering or flowing into Powell Lake is prohibited from April 15 to June 15, both days inclusive.
- (i) In the North and South Alouette, Coquitlam and Brunette Rivers, and Kanaka Creek, except as provided in paragraph (e) of this subsection, no one shall fish for, catch, or kill fish of any kind except from September 1 to June 30, both days inclusive; provided further that in that portion of the South Alouette River above the old logging bridge at Alco Camp there shall be no open season for catching, killing, or taking fish of any kind.
- (j) No one shall fish for, catch, or kill trout in Kelly Lake, near Clinton, except from March 1 to November 30, both days inclusive.
- (k) No one shall fish for, catch, or kill trout of any kind in any lakes situate and lying between Jervis and Toba Inlets, on the Mainland, except from March 1 to December 31, both days inclusive.
- (l) Rescinded.
- (m) No one shall fish for, catch, or kill trout of any kind except steelhead trout in the Thompson and Nicola Rivers, except from April 1 to the last day of February, both days inclusive.
- (n) No one shall fish for, catch, or kill fish of any kind in the Chilliwack River and all its tributary streams lying between Allison Bridge and Chilliwack Lake, except from July 1 to December 31, both days inclusive.
- (o) No one shall fish for, catch, or kill salmon of any kind by angling in Harrison River from September 15 to November 14, both days inclusive.
- (p) No one shall fish for, catch, or kill fish of any kind in that portion of the Skagit River and all tributaries thereof flowing into said River situate and lying south from where the highway bridge of the Silver Skagit Logging Company Limited crosses the said Skagit River, including the Klesiklwa River, and in Upper Silver Creek flowing into Silver Lake.
- (q) No one shall fish for, catch, or kill fish of any kind in Granite Lake, Powell River District, until March 1, 1950.

**Fisheries Act—continued**

- (r) No one shall fish for, catch, or kill fish of any kind in that portion of the Coquihalla River from Mile 49·7 Bridge (C.P.R.) upstream to the northern end of the tunnel north of Mile 49·6 Bridge (C.P.R.) at any time. In that further portion of the Coquihalla River and tributaries thereto lying upstream from Lear, no one shall fish for, catch, or kill fish of any kind from December 1 to May 31, both days inclusive.
- (s) No one shall fish for, catch, or kill fish of any kind in Silver Lake, and in Silver Creek and Coquihalla River and all tributaries thereto above the Canadian National Railways bridge, excluding Kakawa Lake, except from May 1 to the last day of February following.
- (t) No one shall fish for, catch, or kill fish of any kind in Petgill Lake, in the vicinity of Britannia, until March 1, 1951.

**20. Okanagan District.**

- (a) Except as provided otherwise in these regulations no one shall fish for, catch or kill any trout or Rocky Mountain whitefish in the Okanagan District, except from June 1 to the last day of February, both days inclusive, in STREAMS, and except from May 1 to the last day of February, both days inclusive, in LAKES.
- (b) Except for purposes of fish culture, no one shall fish by any means in Paul Creek, except from July 1 to December 31, both days inclusive.
- (c) There shall be no close season for Dolly Varden in Kamloops, Sugar, or Shuswap Lakes, or for trout of any kind in Osoyoos, Vaseaux, Skaha (Dog), Okanagan, and Swan Lakes, except that in Swan Lake no one shall fish for, catch, or kill fish of any kind, except for purposes of fish culture, in that portion of B.X. Creek commencing at the fish barrier, thence downstream to Swan Lake nor in that portion of said Lake situate and lying inside and below a straight line drawn east and west from the stationary sawmill which is situated on the east shore of Swan Lake.
- (d) Except as provided in paragraph (c) of this subsection, no one shall fish for, catch or kill trout in Shuswap, Mara, Mabel, Adams and Sugar Lakes, except from April 1 to the last day of February, both days inclusive. During the period April 1 to April 30, both days inclusive, no one shall fish for, catch or kill trout within a radius of one hundred (100) yards of the mouths of all rivers or streams entering or flowing into Shuswap (except Adams River), Mara, Mabel, Adams and Sugar Lakes.
- (e) No one shall fish for, catch or kill any trout in the Nicola, Thompson and South Thompson Rivers, except from April 1 to the last day of February, both days inclusive.
- (f) No one shall fish for, catch or kill any trout except for purposes of fish culture, in the streams tributary to Penask Lake, except from August 16 to May 31, both days inclusive.
- (g) Except for purposes of fish culture, no one shall fish for, catch or kill fish of any kind in Little Pinantan Lake in the vicinity of Kamloops.
- (h) No one shall fish for, catch or kill trout of any kind in Lac la Jeune (Fish Lake), except from May 21 to November 14, both days inclusive.

**Fisheries Act—continued**

- (i) No one shall fish for, catch or kill fish of any kind, except for purposes of fish culture, in that portion of Lac la Jeune (Fish Lake) lying west of the foot-bridge near the foot of the lake and marked by fishing-boundary signs.
  - (j) No one shall fish for, catch, or kill trout of any kind in Devick and Beaver Lake, near Devick Lake, except from May 21 to November 14, both days inclusive.
  - (k) No one shall fish for, catch, or kill fish of any kind in Penticton Creek before June 1 in each year.
  - (l) No one shall fish for, catch or kill trout of any kind in Beaver, Echo and Crooked Lakes, all in the vicinity of Kelowna except from May 21 to the last day of February, both days inclusive.
  - (m) Except for fish culture purposes, no one shall fish for, catch, or kill fish of any kind in Coldstream Creek lying within the boundaries of the Coldstream municipality, nor at the mouth of said creek and in that portion of Kalamalka (Long) Lake lying inside of a straight line drawn from the City Wharf to Kinloch Point.
  - (n) No one shall fish for, catch, or kill fish of any kind in Kalamalka (Long) and Woods lakes during the month of March in each year.
  - (o) No one shall fish for, catch, or kill fish of any kind in Mill Creek, Kelowna District, except from April 1 to September 30, both days inclusive.
  - (p) No one shall fish for, catch, or kill fish of any kind in Echo Lake, Creighton Valley District, except from April 1 to the last day of February, both days inclusive.
  - (q) No one shall fish for, catch, or kill trout of any kind in the Kettle River and West Fork of Kettle River, west of Midway, except from June 1 to August 15, both days inclusive.
  - (r) No one shall fish for, catch, or kill fish of any kind in lakes tributary to the Kettle River and the West Fork of the Kettle River (west of Midway), except from June 1 to November 14, both days inclusive.
  - (s) There shall be no close season for fishing, catching or killing of Rocky Mountain whitefish in the Similkameen River and tributaries thereto.
  - (t) No one shall fish for, catch, or kill trout in Nicklin Creek, except for purposes of fish culture, within one mile downstream from the dam at the outlet of Nicklin Lake.
21. Kootenay District.
- (a) Except as provided otherwise in these regulations, no one shall fish for, catch, or kill any trout in the Kootenay District, except from June 1 to November 14, both days inclusive, in STREAMS, and from May 1 to November 14, both days inclusive, in LAKES.
  - (b) No one shall fish for, catch, or kill fish of any kind in Kootenay (except that portion defined as the West Arm) and Slocan Lakes, except from May 1 to the last day of February, both days inclusive; and in Arrow Lakes, except from April 1 to the last day of February, both days inclusive.
  - (c) Except for fish culture purposes, no one shall fish for, catch or kill fish of any kind in Munroe and Mineral Lakes and Fish Lake adjacent to Munroe Lake, Barbutt's (Fish) Lake and the B.C. Spruce Reservoir, except from June 1 to November 14, both days inclusive.



**Fisheries Act—continued**

- (d) No one shall fish for, catch, or kill fish of any kind in Summit Creek, Creston District, and Sanca Creek, except from July 1 to November 14, both days inclusive.
- (e) No one shall fish for, catch, or kill any trout in Big Sheep Creek, Little Sheep Creek, Meadow Creek (vicinity of Kitchener), Beaver Creek (vicinity of Fruitvale), except from May 1 to August 31, both days inclusive.
- (f) Except for purposes of fish culture, no one shall fish for, catch, or kill fish of any kind in Violin Lake and in streams flowing into and out of Rosebud Lake.
- (g) Except for purposes of fish culture, no one shall fish for, catch, or kill fish of any kind in Hartley Lake and in Morrissey, Hartley, Spruce Ladner (Olson), Zwick and Dalziel Creeks, all tributary to Elk River in the Fernie District, nor in Texas and Sanders Creeks, flowing into Christina Lake in the Grand Forks District, nor in Eholt Creek flowing into Boundary Creek, in the Greenwood District.
- (h) No one shall fish for, catch, or kill fish of any kind, except for purposes of fish culture, in Fish Lake and streams flowing therefrom, Palmer Bar Creek to the Town of Lumberton, and in the streams flowing into and out of Munroe Lake, in the vicinity of Cranbrook.
- (i) No one shall fish for, catch, or kill fish of any kind in Horseshoe, Tie, Smith, Echo, Twin, Quartz, Manistee, Loon, Mud (Rock), North Star, New and Burton Lakes, except from April 15 to November 14, both days inclusive.
- (j) No one shall fish for, catch, or kill fish of any kind in Fish Lake, Bear Lake, Watson Creek, Goat Creek and that portion of Kaslo Creek that is between Fish Lake and the Retallack, and the creek between Fish and Bear lakes, in the vicinity of Sandon, except from June 16 to November 14, both days inclusive.
- (k) No one shall fish for, catch, or kill fish of any kind in any waters flowing into Burrell Creek and the West Fork of Granby River (North Fork of Kettle River.)
- (l) No one shall fish for, catch, or kill fish of any kind in the streams connecting Upper and Lower Wilson Lakes nor in the outlet stream for a distance of one mile below Lower Wilson Lake, all in the vicinity of Nakusp.
- (m) No one shall fish for, catch, or kill fish of any kind in that portion of Wilson Creek flowing into Slocan Lake, in the vicinity of Roseberry, from a point of one hundred (100) feet from the mouth of said creek upstream for a distance of three miles.
- (n) No one shall fish for, catch, or kill trout of any kind in Boundary Creek and the tributary streams flowing into said creek, except from June 1 to August 15, both days inclusive.
- (o) No one shall fish for, catch, or kill trout of any kind in Columbia, Elk, Michel, St. Mary, and Kootenay Rivers, and that portion of the West Arm of Kootenay Lake lying west of the Dolphin near Proctor, except from May 1 to November 14, both days inclusive; except in that portion of the Columbia River from Castlegar to the International boundary line, vicinity of Waneta, and the Pend D'Oreille River, no one shall fish for, catch, or kill fish of any kind except from April 1 to December 14, both days inclusive.

**Fisheries Act**—*continued*

- (p) No one shall fish for, catch, or kill fish of any kind in the lakes in Columbia Valley above the confluence of the Spillimanchene and Columbia Rivers, except from June 1 to November 14, both days inclusive, with the exception of Windermere, Columbia and Lillian Lakes.
- (q) In Christina Lake, no one shall fish for, catch, or kill small-mouthed black bass, except from May 1 to November 14, both days inclusive.
- (r) No one shall fish for, catch, or kill fish of any kind, except for purposes of fish culture, in Boundary or Rosebud Lakes and tributaries thereto, in the vicinity of Nelway, or in Loon Lake in the vicinity of Ainsworth, and Leviathan Lake, in the vicinity of Kaslo, except from May 1 to August 31, both days inclusive.
- (s) No one shall fish for, catch, or kill fish of any kind in Kokanee, Keen, Garland, Kaslo, Tanal, Ross, Whitelady, Haiselden, Noakes, Clearwater, Mill, Barratt (Lost), Port Rica, Marble, Panther (Diamond), Wolf, Arkansaw, Devil's Hole, Fletcher, Sunset and Bayonne Creek Lakes, except from July 1 to November 14, both days inclusive.
- (t) No one shall fish for, catch, or kill fish of any kind in Evans, Cahill, and Beatrice Lakes, tributary to Evans Creek (Slocan Lake), except from June 1 to November 14, both days inclusive.
- (u) No one shall fish for, catch, or kill fish of any kind in Cottonwood Lake, Cottonwood Creek, Six Mile Lakes, and Creek connecting said Lakes and Dumanel (Six-mile) Creek except from July 1 to November 14, both days inclusive; provided that in that portion of Cottonwood Creek commencing at Cottonwood Falls and thence flowing into the West Arm of Kootenay Lake fishing of any kind is prohibited.
- (v) No one shall fish for, catch, or kill fish of any kind in Barnes Lake and tributary streams thereto, in the vicinity of Corbin, or in Cooper Lake and tributary streams thereto, in the vicinity of Lumberton, except from August 1 to November 14, both days inclusive.
- (w) No one shall fish for, catch, or kill trout of any kind in that portion of the Lardeau River flowing between the Provincial Game Department fish traps at Gerrard and Tenderfoot Creek.
- (x) No one shall fish for, catch, or kill fish of any kind in Cherry and Ta Ta Creeks and in that portion of Palmer Bar Creek from the traffic bridge at Lumberton and thence downstream to the Moyie River, except from June 1 to August 31, both days inclusive.
- (y) No one shall fish for, catch, or kill Dolly Varden in Coffee, Woodberry, Kaslo, Hamill, Crawford, Canyon, Cultus and Midge Creeks flowing into the Duncan River and Kootenay Lake, and in Goat River, Summit Creek and West Fork, flowing into the Kootenay River, except from October 1 to July 31, both days inclusive.
- (z) No one shall fish for, catch, or kill in any one day more than fifteen (15) Rocky Mountain Whitefish in Dutch Creek flowing into Columbia Lake.

**22. Northern District.**

- (a) In the non-tidal waters of the Northern District, except as provided otherwise in these regulations, no one shall fish for, catch, or

**Fisheries Act—continued**

kill any rainbow, cutthroat or Kamloops trout or Rocky Mountain whitefish, except from May 24 to November 14, both days inclusive, in STREAMS, and from May 1 to the last day of February, both days inclusive, in LAKES.

- (b) No one shall fish for, catch, or kill trout of any kind, except Dolly Varden, in Trembleur, Stuart, and Tatla Lakes, except from May 16, to April 4, both days inclusive.
- (c) No one shall fish for, catch, or kill trout of any kind, except Dolly Varden, in Kathlyn Lake and Bulkley River, all in the vicinity of the Smithers, except from May 24 to November 14, both days inclusive.
- (d) In Lakelse River, no one shall fish for, catch, or kill any trout, except Dolly Varden, except from May 1 to November 14, both days inclusive.
- (e) No one shall fish for, catch or kill fish of any kind in the portions of Scullabuchan, Salmon, and Williams Creeks, Lakelse Lake District, that lie within two hundred (200) yards of the mouths of the said streams, nor in the portions of Lakelse Lake within a distance of two hundred (200) yards from the mouths of the said streams, except from October 1 to July 15, both days inclusive.
- (f) There shall be no close season for trout of any kind or Rocky Mountain whitefish in the portions of the following waters lying downstream from the points thereon designated hereunder:
  - Yakoun River—At Boulder Rapids.
  - Mamin River—At log jam approximately one mile from mouth of river.
  - Ain River—At first falls above mouth of river.
  - Awun River—At end of slashing on right bank, approximately one-quarter mile from mouth of river.
  - Kumdis River—At bridge on Mayer Lake Road.
  - Bella Coola River—At Stuie.
  - Skeena River—At confluence with Copper River.
  - Martin Creek (Cousins Inlet)—A point three miles upstream from mouth of creek.
- (g) No one shall fish for, catch, or kill trout of any kind, except Dolly Varden, in Cockscrow Creek, near Vanderhoof, except from June 1 to November 14, both days inclusive.
- (h) No one shall fish for, catch, or kill trout of any kind in the creeks flowing into or out of Milburn, or Nine-mile Lake, Quesnel District, except from June 15 to the last day of February, both days inclusive.

**Section 27.—Definition of Time**

Where an expression of time occurs in these Regulations or in any order, notice, prohibition, requirement or other matter done thereunder, or where any hour or other period of time is stated either orally or in writing, or where any question as to a period of time arises, the time referred to or intended shall, unless it is otherwise specifically stated, be time reckoned as prescribed in or under the authority of any enactment of the Province of British Columbia.



**Fisheries Act—continued****11. Special Fishery Regulations for the Northwest Territories**

P.C. 5696

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

1. The Special Fishery Regulations for the Northwest Territories, established by Order in Council P.C. 5350 of 31st December 1947, as amended, are hereby revoked; and

2. The annexed "Special Fishery Regulations for the Northwest Territories" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

## SPECIAL FISHERY REGULATIONS FOR THE NORTHWEST TERRITORIES

Section 1—*Interpretation*

"angling" includes trolling for sport or family use only, but not for sale or barter, and shall mean the taking of fish with hook and line held in the hand, or with hook and line and rod, the latter held in the hand, but does not include set lines or lines tied to a boat.

"closed season" means a specified time during which fish may not be taken.

"commercial licence" or "Fishermen's Licence" means a licence that authorizes the catching of fish for sale or barter.

"gill-net" means a net that catches fish by enmeshing them, but which does not enclose an area of water.

"Minister" means the Minister of Fisheries.

"non-resident" means a person who has not resided continuously in the Northwest Territories for a period of six months immediately preceding his application for a licence.

"officer" means an officer of the Royal Canadian Mounted Police or such other officer as may be authorized by the Department of Fisheries for the purposes of these Regulations.

Section 2—*Licences*

1. The Minister may issue or authorize to be issued licences for fishing in any water area of the Northwest Territories and, except in angling or as provided in subsection 2 of section 2, hereof, no one shall engage in fishing until he has secured a licence.

**Fisheries Act—continued**

2. The following persons may, without a licence, fish at any time with legal instruments for their own domestic use and for the feeding of their dogs but not for sale or barter:

- (a) Prospectors, travellers, surveyors or explorers while engaged in exploration, survey or mining operations, or any other examination of the Northwest Territories.
- (b) Indians, Eskimos and half-breeds.
- (c) Members of the Royal Canadian Mounted Police.
- (d) Members of religious and educational institutions.
- (e) Local representatives of the Canadian Government.
- (f) Holders of current trapping and trading licences.

Provided that native-born Indians, Eskimos and half-breeds living the life of natives may, under the supervision of the local Government representative, dispose of fish surplus to their own domestic requirements and for the feeding of their dogs by sale or barter in the immediate locality of their residence; also provided that fishing for domestic use and for the feeding of their dogs by the aforementioned persons shall be exempt from the minimum mesh requirements for nets prescribed in Section 5 of these Regulations.

3. No fishing licence, required under these Regulations, shall be granted to any person unless such person is a British subject or has served in His Majesty's Armed Services Overseas.

4. Fishing under a licence is permitted only in the water area specified therein.

5. A fisherman's licence shall entitle the licensee to fish in waters designated in such licence with not more than six hundred (600) yards of gill-net or a set line having not more than two hundred (200) hooks which must be baited when the line is in use. The fee for such licence shall be five dollars (\$5.00) to a resident and fifteen dollars (\$15.00) to a non-resident.

6. A commercial licence shall entitle the licensee to fish in waters designated in such licence with not more than one thousand (1000) yards of gill-net. The fee for such licence shall be twenty dollars (\$20.00) to a resident and fifty dollars (\$50.00) to a non-resident.

7. No one other than the licensee shall operate a gill-net or baited hooks.

**Section 3—Marking of Boats and Nets**

1. Every licensee, whether fishing under a commercial licence or fisherman's licence, shall mark in legible manner all boats, nets, buoys and gangs of nets and in winter fishing all net stakes with the number of his licence preceded by the letter "C" or "F" as the case may be, to distinguish between a commercial or fisherman's licence. Such letter and number shall be painted on each boat in black upon a white ground on either side of the bow above the water line, and shall be not less than six (6) inches in height.

The letter and number on the buoys shall be so placed as to be readily seen without raising the buoys from the water. The letter and number on the nets shall be so placed as to be readily seen when the nets are in boxes or on a reel, and the letter and number on net stakes shall be readily legible at all times.

**Fisheries Act—continued**

2. All gangs of nets shall be marked at each end thereof—

- (a) during open water fishing, by a buoy or
- (b) during winter fishing, by a stake, the top of which shall be at least four (4) feet above the surface of the ice.

3. All boats, nets, buoys and gangs of nets during open water fishing, and during winter fishing all nets fastened to stakes that are not marked as above required may be seized and confiscated.

**Section 4—Nets—When in Use**

1. Nets shall be deemed to be in use within the meaning of these Regulations—

- (a) when actually in the water;
- (b) when in a fishing vessel with floats;
- (c) when on reels or otherwise spread out to dry at, or in the general vicinity of a fishing station or fishing grounds;
- (d) when kept with floats attached, in boxes at, or in the general vicinity of a fishing station or fishing grounds;
- (e) when on the ice or at, or in the general vicinity of a fishing camp or fishing grounds with floats attached, or when wet or frozen, or otherwise showing evidence of having been recently in use.

**Section 5—Mesh of Nets**

1. In all waters of the Northwest Territories containing whitefish or lake trout, except as herein otherwise provided, the use of gill-nets with a mesh of less than five and one-half inches ( $5\frac{1}{2}$ ") is prohibited; provided, however, that in lakes where the fish are small, owing to overcrowding, the Minister may authorize the use of nets of smaller mesh until the fish improve in size.

2. In lakes where pickerel largely abound, except as herein otherwise provided, gill-nets having meshes of not less than four and one-half inches ( $4\frac{1}{2}$ ") extension measure, when in use, may be permitted, but their use shall be restricted to portions of the lakes defined by the local officer.

3. Except as herein otherwise provided, in waters where fishing for tullibee (lake herring) is allowed, gill-nets having meshes of not less than two and three-quarters inches ( $2\frac{3}{4}$ ") extension measure, when in use, may be permitted, but their use shall be restricted to portions of such waters as may be defined by the local officer.

4. Except as herein otherwise provided, in waters where fishing for pike (jackfish) is allowed, gill-nets having meshes of not less than four inches (4") extension measure, when in use, may be permitted.

5. In any waters containing whitefish or lake trout, the Minister may, notwithstanding anything to the contrary in these regulations, and to provide for the taking of other species of fish, authorize the use of gill-nets with meshes of less than five and one-half inches ( $5\frac{1}{2}$ ") in areas designated by the Chief Supervisor of Fisheries or any officer; provided that if it should be found that more than five per cent (in weight) of the fish so taken are whitefish or lake trout any officer may stop all fishing in any portion of such area.



**Fisheries Act—continued**

6. In waters where gill-net fishing is allowed, and where it is found necessary to remove any particular species of fish, the Minister may authorize the use of gill-nets with a mesh of specified size not provided for in any of the preceding subsections.

7. Whenever the size of the mesh of nets is prescribed by these regulations or by any order made hereunder, it shall be determined by measuring the distance between the extreme angles of a single mesh, inside and between the knots, after the twine or net has been saturated in water and extended without strain until taut.

*Section 6—Closed Season*

1. Whitefish, Tullibee and Lake Trout.

Except as herein otherwise provided, no one shall fish for, catch or kill any whitefish, tullibee or lake trout from September sixteenth to November thirtieth in each year, both days inclusive.

2. Pike and Pickerel.

Except as herein otherwise provided, no one shall fish for, catch or kill any pike or pickerel from April first to May fifteenth, in each year, both days inclusive.

3. Notwithstanding the closed seasons herein prescribed, the Minister may—

- (a) When he deems such to be in the public interest to meet changing conditions, extend any such closed season for any lake or area by directing that fishing therein shall not commence until a later date than that so prescribed or that it shall terminate at an earlier date than that fixed herein; or
- (b) When he deems such to be in the public interest, permit fish to be taken from any water area during a closed season under the supervision of any officer.

*Section 7—Fishing Seasons*

1. Except as herein otherwise provided, winter fishing for commercial purposes shall commence on the expiry of the closed season for whitefish, tullibee or lake trout and shall cease on March 31 following in each year.

2. Except as herein otherwise provided, summer fishing for commercial purposes shall extend from May sixteenth to September fifteenth, in each year, both days inclusive, provided that in lakes in which pike and pickerel only are caught, fishing may be continued to March fifteenth following.

*Section 8—Limitation of Catch*

1. The total quantity of fish that may be taken in any season from any water in the Northwest Territories may be limited by the Minister from time to time and notice of any such limitation, stating clearly the water area and limitation, shall be published in the *Canada Gazette*.

2. When in the opinion of an officer the limit determined by the Minister is reached or about to be reached in any fishing area, such officer shall order in writing or verbally that all nets in use must be removed from the water before a set day or hour, and any fisherman who refuses or neglects to remove his fishing equipment before the expiration of such

**Fisheries Act—continued**

day or hour shall be liable to the penalties as provided for in the Fisheries Act, and, in addition, his fishing equipment shall be liable to seizure and confiscation, as well as fish taken after he was so instructed to remove his nets from the water.

**Section 9—Prohibitions**

1. Fishing with apparatus other than gill-nets, baited hooks, or by angling, shall not be permitted.
2. The introduction of non-indigenous fish alive into the waters of the Northwest Territories, except by special permission of the Minister is prohibited.
3. The use of spears, snares, lights, firearms, dynamite, or other explosive material in killing fish is prohibited.
4. The use of bare, unbaited hooks or grapnels for taking fish is prohibited.
5. No river or creek frequented by fish shall be obstructed by any kind of dam or trap for the purpose of killing or taking fish without first obtaining authority, in writing, from the Minister.
6. The fry of food fishes shall not be destroyed at any time.
7. No person shall use dynamite or any other explosive in any waters of the Northwest Territories frequented by fish for the removal of rock, obstructions, or for any other purpose without permission in writing from the Minister.
8. Anyone using gill-nets, baited hooks, stakes, buoys or other materials placed for fishing purposes in any water shall remove such therefrom after ceasing to use them.

**Section 10—Preventing Wastage of Fish**

1. Should an officer at any time find that all the fish being produced in any waters cannot be sold in the fresh fish markets or placed in efficient cold storage, he may stop all fishing in such waters for such time as he deems necessary to enable the fish that may thereafter be taken to be sold in the fresh fish markets or placed in efficient cold storage.
2. In any case where it is proved to the satisfaction of the Minister that the catch or any portion thereof of any licensee, shipped or packed by such licensee was not in a fit or satisfactory condition for human consumption, when shipped or packed, or was shipped or packed in an unsanitary or unclean container, the Minister may cancel his licence. The onus shall be upon the licensee to prove that the fish were in a fit or satisfactory condition for human consumption when packed or shipped, or that the containers were not in an unsanitary or unclean condition.
3. It is conditional on the granting of any licence authorizing commercial fishing during the open water season that:
  - (a) Operations thereunder shall be conducted only by means of a vessel that is so constructed and equipped as will ensure fish carried therein being kept out of water or bilge that may accumulate therein;

**Fisheries Act—continued**

(b) The licensee shall carry during operations thereunder by means of a vessel an adequate supply of crushed ice in which the catch shall be packed and shall provide a suitable cover for the catch; failure to comply with any or all of these conditions shall constitute a reason for ordering cessation of fishing operations under such licence by a Fishery Officer until all conditions are fully met to his satisfaction.

4. Except where fish is had for the feeding of dogs under the provisions of subsection two of section two hereof, no person shall have fish in his possession for sale or barter which is unclean or unsanitary or is in an unfit or unsatisfactory condition for human consumption.

*Section 11—Time of Setting Gear*

1. In summer fishing, nets shall not be set or placed in the water before twelve o'clock noon, mountain standard time, on the opening date provided by these regulations for the area in which such nets are to be used.

2. In winter fishing, running lines used for the setting of nets in fishing through the ice shall not be placed in the water previous to twenty-four hours before the opening date for fishing provided by these regulations for the area in which such running lines are being used, and no nets shall be placed in the water before twelve o'clock noon, mountain standard time, on the opening date for fishing provided by these regulations for the area in which such nets are to be used.

*Section 12—Great Slave Lake*

1. Fishing for commercial purposes during the winter fishing season shall not be carried on in that portion of Great Slave Lake lying East of an imaginary line of Longitude 114° 10' West.

2. Fishing for commercial purposes shall not be carried on in that portion of Taltheilei Narrows, Great Slave Lake, lying between Latitude 62° 27' North and Longitude 111° 22' West.

3. Fishing for commercial purposes shall not be carried on in that portion of Great Slave Lake in the vicinity of Lower Hay River and lying within that certain area bounded by an imaginary line drawn due North from Vale Point for a distance of three statute miles, thence due West for three statute miles, thence due South to the mainland, thence along the several courses of the shore line to Vale Point.

4. Fishing for commercial purposes shall not be carried on in that portion of Great Slave Lake lying within ten statute miles of the settlement of Resolution.

5. Fishing for commercial purposes shall not be carried on in that portion of Great Slave Lake lying within ten statute miles of the settlement of Snowdrift.

6. Fishing for commercial purposes shall not be carried on in that portion of Great Slave Lake lying within ten statute miles of the town of Yellowknife.

7. Fishing for commercial purposes shall not be carried on in that portion of Great Slave Lake lying within five statute miles of the settlement of Lower Hay River.



**Fisheries Act—continued**

8. Fishing for commercial purposes shall not be carried on in that portion of Great Slave Lake lying within ten statute miles of the mouth of the Taltson River (Rocher River Settlement).

**12. Ministerial Orders under section eight of the Special Fishery Regulations for the Northwest Territories****(a) Annual catch limitation, Kakisa Lake.**

## DEPARTMENT OF FISHERIES

## NOTICE

Notice is hereby given that, under the authority of Section 8 of the Special Fishery Regulations for the Northwest Territories, the Minister of Fisheries has authorized cancellation of Notice dated November 21, 1946, respecting annual limitation of catch of fish for Kakisa Lake, Northwest Territories, and in lieu thereof has determined that the annual limitation of catch of fish for such lake shall be as follows:

Summer Fishing—200,000 lbs. of Pickerel (Dore)

Dressed Weight

with the proviso that any portion of such quantity not caught during the summer season may be taken during the winter fishing season immediately following.

STEWART BATES,  
*Deputy Minister.*

Ottawa, July 31, 1947.

**(b) Annual catch limitation, Great Slave Lake, N.W.T.**

## DEPARTMENT OF FISHERIES

Notice is hereby given that the Minister of Fisheries has limited the total quantity of fish that may be taken for commercial purposes from Great Slave Lake, Northwest Territories, so that until further notice the quantity of whitefish and trout that may be taken in those certain water areas of Great Slave Lake hereinafter described shall be limited as follows:

*Summer Fishing Areas and Catch Limits*

*Water Area One:* 500,000 pounds round weight of whitefish and trout.

All that portion of Great Slave Lake lying south of an imaginary straight line drawn from Slave Point (Latitude 61° 11' north, longitude 115° 55' west) to the most westerly tip of Mission Island (latitude 61° 10' north, longitude 113° 47' west).

*Water Area Two:* 1,500,000 pounds round weight of whitefish and trout.

All that portion of Great Slave Lake lying north of the north boundary of Area 1 and south of an imaginary straight line drawn from Hardrock Point (latitude 61° 46' north, longitude 114° 47' west) to the mouth of the North Branch of the Jean River (latitude 61° 22' north, longitude 113° 33' west).

**Fisheries Act—continued**

*Water Area Three:* 3,000,000 pounds round weight of whitefish and trout.

All that portion of Great Slave Lake lying north of the north boundary of Area 2.

*Winter Fishing Areas and Catch Limits*

*Water Area One:* 2,000,000 pounds round weight of whitefish and trout.

All that portion of Great Slave Lake lying south of an imaginary straight line drawn due east from Slave Point to intersect the imaginary line of 114° 10' west longitude.

*Water Area Two:* 1,500,000 pounds round weight of whitefish and trout.

All that portion of Great Slave Lake lying north of the north boundary of Area 1 and south of an imaginary straight line drawn due east from Gypsum Point to intersect the imaginary line of 114° 10' west longitude.

*Water Area Three:* 500,000 pounds round weight of whitefish and trout.

All that portion of Great Slave Lake lying north of the north boundary of Area 2 and west of the imaginary line of 114° 10' west longitude.

If the catch limit for one water area is not likely to be taken, the Minister may increase, by the estimated amount of the deficiency, the catch limit for one or both of the other water areas of the same season.

No portion of the summer catch limit that is not taken will be added to the winter catch limit.

All limitations upon the commercial catch for Great Slave Lake, previously set by the Minister of Fisheries, are hereby cancelled.

STEWART BATES,  
*Deputy Minister.*

Ottawa, May 19, 1949.

**13. Special Fishery Regulations for Yukon Territory**

P.C. 3923

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of October, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Special Fishery Regulations for the Yukon Territory were established by Order in Council P.C. 297 of February 9, 1915, and have been amended from time to time since then;

AND WHEREAS the Acting Minister of Fisheries represents that it is now desirable that provision be made for establishing regulations to protect the sport fisheries of the Yukon;

That the proposed regulations are concurred in by the Royal Canadian Mounted Police who are responsible to the Department of Fisheries for administration of the fisheries in the Yukon; and

**Fisheries Act—continued**

That it is deemed advisable that all existing regulations should be rescinded and a new code established;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Fisheries, is pleased to order as follows:

1. The Special Fishery Regulations for the Yukon Territory made by Order in Council P.C. 297 of February 9, 1915, as amended, are hereby revoked; and

2. The attached Special Fishery Regulations for the Yukon Territory are hereby made and established in the place and stead of the regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**SPECIAL FISHERY REGULATIONS FOR YUKON TERRITORY***Sec. 1—Licenses—General*

1. Fishing by means of nets without a licence except as provided in the following section is prohibited.

2. (a) Prospectors, travellers, surveyors or explorers, while engaged in exploration, survey, or mining operations, or other examination of the Territory, may, without a licence fish at any time with legal implements, for their own domestic use but not for sale or barter.

(b) Indians may without a licence fish at any time with legal implements, for their own or their bands' domestic use; but not for sale or barter.

3. No licence shall be granted to any person, company or firm, unless such person is a British subject, resident in the Territory, or to such company or firm unless it is a Canadian company or firm operating in the Territory. The licensee must be the actual owner of the boats and gear used under the licence.

4. There shall be two classes of licences issued in the Territory, namely, "domestic" and "commercial" licences. These licences shall be annual.

5. All nets and fishing boats shall bear numbers corresponding with those of the licences under which they are operated, and each boat shall have its number and the initials of its owner painted on both sides of the bow, in black, on white ground, the figures and letters to be not less than six (6) inches in height, and each net shall have its number and the initials of its owner legibly marked on buoys of wood or metal, painted on white, and floating in the water attached to each end of the net, and such numbers and initials shall be permanently kept on such boats and nets throughout the fishing season, and shall be so placed as to be visible without taking up the nets and any boat or nets used without such marks, shall be liable to seizure and confiscation.

*Sec. 2—Domestic Licence*

1. Any resident who is a British subject shall be eligible for a "domestic" licence which will authorize him or a member of his family to fish with not more than three hundred (300) yards of gill-net.



**Fisheries Act—continued**

2. The fee on such licence shall be five dollars (\$5.00).

3. Fish caught under such licence shall be for home consumption only, and not for sale or barter.

*Sec. 3—Commercial Licence*

1. Any resident who is a British subject or any Canadian company or firm operating in the Territory shall be eligible for a "commercial" licence.

2. There shall be three classes of commercial licences, viz.—a fishing tug licence, a sailboat or other boat licence, and a fishwheel licence.

3. A sailboat or other boat commercial licence shall authorize the taking of all kinds of fish.

4. (a) A fishing tug commercial licence shall authorize the use of one fishing tug, and of not more than ten thousand (10,000) yards of whitefish, salmon trout, lake trout, pickerel, goldeye, pike, mullet or tullibee gill-net.

(b) The fee on such licence shall be forty dollars (\$40.00) for the tug, and two dollars (\$2.00) for every five hundred (500) yards of net or fraction thereof, the use of which is authorized by the licence.

5. (a) A commercial sailboat or other boat licence shall authorize the use of one sailboat or other boat and two thousand (2,000) yards of whitefish, salmon trout, lake trout, pickerel, goldeye, pike, mullet or tullibee gill-net, one hundred (100) yards of salmon gill-net and one hundred (100) yards of greyling gill-net.

(b) The fee on such licence shall be twenty dollars (\$20.00).

6. A fishwheel licence shall authorize the use of one fishwheel for salmon fishing in the Yukon river. The fee on such licence shall be thirty dollars \$(30.00).

*Sec. 4—Mesh of Nets*

1. (a) The mesh of a whitefish, salmon trout, lake trout, pickerel, goldeye, pike or mullet gill-net shall not be less than four (4) inches extension measure.

2. The mesh of tullibee gill-nets shall not be less than three and three quarter ( $3\frac{3}{4}$ ) inches extension measure.

3. The mesh of salmon gill-nets shall not be less than six (6) inches extension measure.

4. The mesh of a grayling gill-net shall not be less than two and one half ( $2\frac{1}{2}$ ) inches extension measure.

5. A gill-net having a mesh of less than four (4) inches extension measure shall not be used in waters frequented by whitefish.

*Sec. 5—Salmon*

It shall be lawful, subject to the restrictions and conditions contained in these regulations, to fish for salmon with nets in the non-tidal waters of the Yukon Territory.

**Fisheries Act—continued***Sec. 6—Close Seasons.*

1. No one shall fish for, catch or kill any whitefish, lake trout or salmon trout, from the fifteenth day of September to the thirtieth day of November in each year, both days inclusive.

2. No one shall fish for, catch or kill any pickerel, goldeyes, pike, mullet or maskinonge from the fifteenth day of April to the fifteenth day of May in each year, both days inclusive.

3. No one shall fish for, catch or kill any grayling from the first day of December in each year to the thirty-first day of January following, both days inclusive.

4. No one shall fish for, catch or kill any tullibee from the fifteenth day of October to the fifteenth day of December, in each year, both days inclusive.

5. No one shall fish for, catch or kill any speckled trout of any kind, including char, from the first day of November to the thirtieth day of March following in each year, both days inclusive.

*Sec. 7—Prohibitions*

1. The use of pound-nets or trap-nets is prohibited.

2. Fishing for speckled trout of any kind, including char, through the ice is prohibited.

3. The use of spears, lights, firearms, dynamite or other explosive material in killing fish is prohibited.

4. The use of bare unbaited hooks or grapnels is prohibited.

5. No river or stream shall be obstructed by any kind of a dam or trap for the purpose of catching or killing fish.

*Sec. 8—Angling*

1. "Angling" shall include trolling for sport fish and shall mean the taking of fish with hook and line held in the hand, or hook and line and rod, the latter held in the hand, but shall not include set lines or lines tied to a boat or the use of more than two baited hooks.

2. "Sport Fish" shall mean fish that are taken for pleasure and that are not intended for or used for sale or barter.

3. Except as otherwise provided in these Regulations, commencing in 1948, no one shall engage in angling except under permit issued by the Minister.

4. The annual fees for a permit to engage in angling in the Yukon are as follows:

(a) Residents—one dollar (\$1.00)

(b) Non-residents—two dollars (\$2.00)

5. No one shall fish for, catch or kill in any one day by angling more trout or grayling than will in the aggregate amount to more than twenty (20) fish, provided such aggregate shall not include more than ten (10) trout of any variety.

**Fisheries Act—continued**

6. No trout or grayling of any kind under eight (8) inches in length shall be taken from the water, and if caught, shall be immediately returned to the water alive and if possible uninjured. The length shall constitute the distance from the point of the nose to the centre of the tail. (In handling undersized fish, care should be taken to have the hands wet otherwise the fish will probably not survive).

7. The officer in charge for Yukon of the Royal Canadian Mounted Police may, at any time, prohibit angling in any lake or stream or portion thereof for such time as he may deem necessary for the proper protection of trout and grayling therein. A public notice by the said officer of such prohibition that is posted up once in the Post Office for the district shall constitute a legal notice of such prohibition.

**14. Lobster Fishery Regulations for Nova Scotia, New Brunswick, Prince Edward Island and Quebec**

P.C. 5699

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

1. The Lobster Fishery Regulations for the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Quebec, established by Order in Council P.C. 5360 of December 31, 1947, as amended, are hereby revoked; and

2. The annexed "Lobster Fishery Regulations for the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Quebec" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**LOBSTER FISHERY REGULATIONS FOR THE PROVINCES OF NOVA SCOTIA,  
NEW BRUNSWICK, PRINCE EDWARD ISLAND AND QUEBEC**

1. (a) No one shall fish for, catch, kill or, without lawful excuse, have in possession, any lobster or lobsters from the sixteenth day of January to the thirtieth day of April, in each year, both days inclusive, nor from the twenty-fifth day of June to the fourteenth day of November, in each year, both days inclusive, on and along that portion of the coast or waters thereof of the province of New Brunswick embraced and included within the county of Charlotte, and the islands adjacent thereto including the Island of Grand Manan.



**Fisheries Act—continued**

- (b) On and along the coast or waters thereof of Grand Manan Island in the aforesaid county, no one shall fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and one-quarter ( $3\frac{1}{4}$ ) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith, alive and uninjured to the waters from which it, or they, were taken.
- (c) On and along the coast or waters thereof of the remaining portion of the aforesaid county, no one shall fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and one-eighth ( $3\frac{1}{8}$ ) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell, to the rear end of the body shell, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it, or they, were taken.

2. No one shall fish for, catch, kill, or, without lawful excuse, have in possession any lobster or lobsters from the sixteenth day of January to the thirtieth day of April in each year, both days inclusive, nor from the twenty-fifth day of June to the fourteenth day of November in each year, both days inclusive, on and along that portion of the coast, or the waters thereof, of the Province of New Brunswick, embraced and included within the County of Saint John, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and one-eighth ( $3\frac{1}{8}$ ) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell, to the rear end of the body shell, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it, or they, were taken.

3. No one shall fish for, catch, kill or without lawful excuse, have in possession, any lobster or lobsters from the twenty-first day of July, in each year, to the fourteenth day of January following, both days inclusive, on and along that portion of the coast, or waters thereof, of the Provinces of New Brunswick and Nova Scotia, embraced and included within the County of Albert, New Brunswick, and those portions of Cumberland and Colchester Counties bordering on the Bay of Fundy and tributary waters, as well as the Counties of Hants, Kings and Annapolis, the waters of Annapolis Basin and Digby Gut, as well as the entrance thereto and of that portion of Digby County that is east of a line drawn north one half east magnetic from the eastern side of Burns Point, Digby County, Nova Scotia, nor shall anyone within the above described limits fish for, catch, kill or retain at any time, any lobster or lobsters measuring less than three and one-eighth ( $3\frac{1}{8}$ ) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell, to the rear end of the body shell, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it, or they, were taken.

4. No one shall fish for, catch, kill or without lawful excuse, have in possession, any lobster or lobsters from the first day of June to the last day of November in each year, both days inclusive, on and along that portion of the coast, or the waters thereof, of the Province of Nova Scotia,

**Fisheries Act—continued**

embraced and included within that portion of the County of Digby that is west of a line drawn north one half east magnetic from the eastern side of Burns Point, Digby County, and of the Counties of Yarmouth, Shelburne, Queens, Lunenburg, and that portion of Halifax County that is west of Cole Harbour, and including the said Cole Harbour, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and one-eighth ( $3\frac{1}{8}$ ) inches in length measured from the rear of either eye socket along a line parallel to the centre line of the body shell, to the rear end of the body shell, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it, or they, were taken.

5. No one shall fish for, catch, kill, or without lawful excuse, have in possession, any lobster or lobsters from the twenty-first day of June in each year to the nineteenth day of April following, both days inclusive, on and along that portion of the coast, or the waters thereof, of the Province of Nova Scotia, from but not including Cole Harbour, Halifax County, to a straight line drawn east southeast magnetic, from Ragged Point, Guysboro County, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than seven (7) inches in length measured in a straight line down the middle of the back from the tip of the body shell at the head (anterior point of the rostrum) to the end of the tail (posterior margin of the telson) exclusive of claws, feelers, fan of the tail (uropods), or fringe, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith, alive and uninjured, to the waters from which it, or they, were taken.

6. (a) No one shall fish for, catch, kill, or without lawful excuse, have in possession, any lobster or lobsters from the sixteenth day of July, in each year, to the nineteenth day of May following, both days inclusive, on and along that portion of the coast or the waters thereof, of the Island of Cape Breton, from a straight line drawn due south magnetic, from Indian Rock off Point Michaud, Richmond County, to a straight line drawn due south magnetic from Indian Point, Cape Breton County, nor shall anyone within the above described limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than three and one-eighth ( $3\frac{1}{8}$ ) inches in length, measured from the rear of either eye socket along a line parallel to the centre line of the body shell to the rear end of the body shell, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it, or they, were taken.

(b) No one shall fish for, catch, kill or without lawful excuse, have in possession any lobster or lobsters from the sixteenth day of July in each year to the fifteenth day of May following, both days inclusive, on and along that portion of the coast, or the waters thereof, of the Island of Cape Breton, from a straight line drawn due south magnetic from Indian Point, Cape Breton County, northwardly to Cape St. Lawrence, Inverness County, thence westwardly to a straight line drawn northwest magnetic from the outlet of the brook at Broad Cove Chapel, including St. Paul island, and the waters of the Bras d'Or Lakes, north of a straight line drawn from Irish Cove, Cape Breton County, to Alba, Inverness County, nor shall anyone within the above described

**Fisheries Act—continued**

limits fish for, catch, kill or retain at any time any lobster or lobsters measuring less than seven (7) inches in length, measured in a straight line down the middle of the back from the tip of the body shell at the head (anterior point of the rostrum) to the end of the tail (posterior margin of the telson) exclusive of claws, feelers, fan of the tail (uropods), or fringe and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it, or they, were taken.

7. (a) No one shall fish for, catch, kill, or without lawful excuse, have in possession any lobster or lobsters from the first day of July in each year to the last day of April following, both days inclusive, on and along that portion of the coast and waters thereof and the islands adjacent thereto of Richmond County, Nova Scotia, lying between a straight line drawn due south magnetic from Indian Rock off Point Michaud and a straight line drawn S 31° 24' E magnetic from Bear Head, also the waters of Bras D'Or Lakes south of a straight line drawn from Irish Cove, Cape Breton County, to Alba, Inverness County; nor shall anyone within the above described limits, fish for, catch, kill or retain at any time, any lobster or lobsters, measuring less than three and one-eighth ( $3\frac{1}{8}$ ) inches in length, measured from the rear of either eye socket, along a line parallel to the centre line of the body shell to the rear of the body shell, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith, alive and uninjured to the waters from which it, or they, were taken.
- (b) Except in that portion of the Strait of Northumberland between a straight line in the northwest drawn from the north side of Eel River, Kent County, New Brunswick, to a point five marine miles north magnetic from North Point Light, Prince Edward Island, and a straight line on the southeast drawn from the west side of River Philip Channel, at the mouth of the river, Nova Scotia, to the eastern entrance of Victoria Harbour, Queens County, Prince Edward Island, and from the said eastern entrance through Victoria Harbour to the end of the government wharf at Victoria, no one shall fish for, catch, kill, or without lawful excuse, have in possession, any lobster or lobsters from the first day of July in each year to the last day of April following, both days inclusive, on and along that portion of the coast, or the waters thereof, of the Provinces of Nova Scotia, New Brunswick, and Prince Edward Island from a line drawn northwest magnetic from the outlet of the brook at Broad Cove Chapel, Inverness County, Nova Scotia, southwardly, westwardly and northwardly, following the coast line to the northern boundary of New Brunswick, including the coast and waters thereof of all the islands adjacent to these portions of the coasts of the said Provinces; also the Strait of Canso down to a straight line drawn east-south-east, magnetic, from Ragged Point, Guysboro County, Nova Scotia, and the portion of the coast and waters thereof, and of the islands adjacent thereto, of Richmond County, Nova Scotia, that is westward of a straight line drawn S 31° 24' E. magnetic from Bear Head in Richmond County; nor shall anyone within the above described limits fish for, catch, kill or retain, at any time, any lobster or lobsters measuring less than seven (7) inches in length measured in a



**Fisheries Act—continued**

straight line down the middle of the back from the tip of the body shell at the head (anterior point of the rostrum), to the end of the tail (posterior margin of the telson), exclusive of claws, feelers, fan of the tail (uropods), or fringe, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it, or they, were taken.

8. No one shall fish for, catch, kill, or without lawful excuse, have in possession, any lobster or lobsters from the sixth day of October in each year to the ninth day of August following, both days inclusive, on and along the coast, or the waters thereof, of that portion of the Strait of Northumberland between a straight line on the northwest drawn from the north side of Eel River, Kent County, New Brunswick, to a point five marine miles north magnetic from North Point light, Prince Edward Island, and a straight line on the southeast drawn from the west side of River Philip Channel at the mouth of the river, Nova Scotia, to the eastern entrance to Victoria Harbour, Queens County, Prince Edward Island, and from the said eastern entrance through Victoria Harbour, to the end of the Government wharf at Victoria; nor shall anyone within the above described limits fish for, catch, kill or retain, at any time, any lobster or lobsters measuring less than seven (7) inches in length measured in a straight line down the middle of the back from the tip of the body shell at the head (anterior point of the rostrum), to the end of the tail (posterior margin of the telson), exclusive of claws, feelers, fan of the tail (uropods), or fringe, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it, or they, were taken.

9. No one shall fish for, catch, kill or, without lawful excuse, have in possession, any lobster or lobsters from the twenty-first day of July in each year to the ninth day of May following, both days inclusive, on and along the coast, or the waters thereof, of the Counties of Quebec, south of the River St. Lawrence and no one shall fish for, catch, kill or, without lawful excuse, have in possession any lobster or lobsters on and along the coast, or the waters thereof, of the Magdalen Islands, including Bird Rocks and Brion Island from the eleventh day of July in each year to the ninth day of May following, both days inclusive; provided that no one shall, at any time, fish for lobsters in the lagoons of these islands; nor shall anyone within the above described limits fish for, catch, kill or retain, at any time, any lobster or lobsters measuring less than seven (7) inches in length measured in a straight line down the middle of the back from the tip of the body shell at the head (anterior point of the rostrum), to the end of the tail (posterior margin of the telson), exclusive of claws, feelers, fan of the tail (uropods), or fringe, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it, or they, were taken.

10. No one shall fish for, catch, kill or, without lawful excuse, have in possession, any lobster or lobsters from the first day of August in each year to the nineteenth day of May following, on and along that portion of the coast, or the waters thereof, of that portion of the Province of Quebec north of the gulf and river St. Lawrence, including the coast or waters thereof of Anticosti Island; nor shall anyone within the above described limits fish for, catch, kill or retain, at any time, any lobster or lobsters measuring less than seven (7) inches in length, measured in a straight line down the middle of the back from the tip of the body shell at the head (anterior point of

**Fisheries Act—continued**

the rostrum), to the end of the tail (posterior margin of the telson), exclusive of claws, feelers, fan of the tail (uropods), or fringe, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith, alive and uninjured to the waters from which it, or they, were taken.

11. It is provided, however, that in any area defined in these regulations, when the lobster fishing season therein in any year ends on Sunday, the closing day for such fishing shall be the following Monday.

12. (a) No one shall fish for, catch, kill or have in possession, for any purpose whatever, any softshell lobster or lobsters or any lobster or lobsters with eggs attached, and any such lobster or lobsters that may be accidentally caught shall be returned forthwith alive and uninjured to the waters from which it or they were taken by the person catching it, or them.

(b) The owner or operator of any pound or enclosure in which lobsters legally caught during the open season are retained alive for sale during the close season shall liberate forthwith and uninjured any lobster or lobsters with eggs attached that he may from time to time find therein.

13. No one shall set or place lobster traps nearer than 100 yards to any stationary salmon net set for the purpose of taking salmon.

14. In lobster fishing districts described in sections 7 (b) and 8 of these regulations no one shall leave the shore for the fishing grounds with buoys, anchors, lines or other lobster fishing gear, nor shall anyone place or set such gear before five o'clock, standard time, in the morning of the day on which it is lawful to take lobsters.

15. No one shall leave the shore for the fishing grounds with buoys, anchors, lines or other lobster fishing gear, nor shall anyone place or set such gear in any lobster fishing district, as specified in these regulations, before the opening day for fishing in such district; except that when the opening day is a Sunday a lobster fisherman may so leave the shore or so place or set such gear on the immediately preceding Saturday.

16. (a) The use of trawls or implements other than traps made of laths and netting with a ring or rings in the netting to permit lobsters to enter, is prohibited in lobster fishing.

(b) No person shall use a lobster trap in any of the lobster fishing districts described in sections 1, 2, 3, 4, 6 (a) and 7 (a) of these Regulations which does not have a continuous and unobstructed space measuring at least one and five-eighths ( $1\frac{5}{8}$ ) inches between the two undermost laths on each side of the trap.

(c) No person shall use a lobster trap in any of the lobster fishing districts described in sections 5, 6 (b), 7 (b), 8, 9 and 10 of these Regulations which does not have a continuous and unobstructed space measuring at least one and one-quarter ( $1\frac{1}{4}$ ) inches between the two undermost laths on each side of the trap.

17. (a) No one shall engage in lobster fishing nor shall anyone leave any port or place in Canada to fish for lobsters either inside or outside territorial waters of Canada, excepting under licence from the Minister. The fee on such licence shall be twenty-five cents excepting that in the Province of Quebec, including Magdalen Islands which include Bird Rocks and Brion Island, where the

**Fisheries Act—continued**

fee shall be calculated at the rate of one cent per trap set, with a minimum fee of twenty-five cents per licence, provided that in that Province not more than three hundred lobster traps shall be used by any one lobster fishing boat regardless of the number of men employed on such boat.

- (b) A lobster fishing licence shall authorize fishing in the lobster fishing district for which it is issued only, and each fisherman shall be eligible for only one lobster fishing licence in any one year.
- (c) Should a lobster fisherman wish to fish in any of the lobster fishing districts as defined in these regulations other than the one in which he resides, he shall procure from the Fisheries Inspector in his home Inspector's district an identification certificate, which certificate shall be delivered to the Fisheries Inspector for the area in the district in which he desires to fish when he applies for a licence; but no identification certificate will be issued to anyone who has, during that year, held a lobster fishing licence.
- (d) A licensee shall at all times when engaged in fishing carry his licence with him and shall on demand by any fishery officer, patrol boat officer or fishery guardian, produce his licence to such officer or guardian for examination.
- (e) No one shall, during the lobster fishing season of any year, use in lobster fishing, any boat, trap or other lobster fishing equipment that had been used during that year in lobster fishing operations in any other lobster fishing district.

**18.** Lobster traps or other lobster fishing gear that are left in the water of any district after the end of the lobster fishing season for that district shall be deemed to be there for purposes of illegal lobster fishing and shall be subject to seizure and confiscation.

**15. Lobster Cannery Returns**

DEPARTMENT OF FISHERIES

Section 16 of the Fisheries Act, 1932, reads as follows:

"The owner or manager of every lobster factory or canning establishment shall by the date fixed by the Minister for that purpose, deliver to the fishery officer for the district on a form provided by the Minister a statement under oath showing:

- (a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;
- (b) the number of persons employed in such factory or canning establishment, distinguishing the sexes;
- (c) the number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last concluded and ended;
- (d) such other details and particulars as are required by the Minister."

Under the provisions of this section, the Minister of Fisheries has fixed the date for the delivery of such details to the local Fishery Officer at seven days after the closing day of the lobster fishing season for the district.

STEWART BATES,  
*Deputy Minister.*

OTTAWA, December 31, 1947.



**Fisheries Act—continued****16. Regulations respecting the removal of obstructions from fishways.**

P.C. 579

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of March, 1936.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS there has been laid before His Excellency the Governor General in Council a report from the Minister of Fisheries representing as follows:—

Obstructions in streams to the ascent of fish occur from time to time owing to accumulation of uprooted trees, etc., caused by freshets lodging at certain places in the streams. Also instances occur where natural obstructions such as falls, can be made a passage to fish by making the passage through the falls easier of ascent for fish. An annual appropriation for work of this kind has been made by Parliament for many years.

During the past year an obstruction caused by up-rooted trees, etc., formed in a British Columbia river, near the mouth of which a company maintained a boom. The Department in the usual way, made arrangements for removing a portion of this obstruction so as to enable fish to ascend. When the company owning the boom learned of this, it notified the Department that it would hold it responsible for any damages to its boom that might occur should, as a result of making a passage through the obstruction, further material be released which might float down against and damage the company's boom.

The matter was taken up with the Department of Justice which advised that while the Crown would not be liable for any such damage, officers of the Department to whom the task of superintending the removal of the obstruction was entrusted, might be subject to personal liability if damage to the company's boom resulted, but that if they were acting under statutory authority and exercised due care and skill in carrying out the work, there would be no such liability.

Paragraph (a) of subsection 1, of section 34 of the Fisheries Act provides that the Governor in Council may make regulations to prevent or remedy the obstruction and pollution of streams. No such regulation has, however, been made, and the Department of Justice approves of having a regulation adopted in the terms hereunder:

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of the Fisheries Act, 22-23 George V, chapter 42, is pleased to make the following regulation and it is hereby made and established accordingly:—

**REMOVAL OF OBSTRUCTIONS**

Where the Minister of Fisheries is satisfied that any natural or casual obstruction existing in any stream or other waters, whether navigable or

**Fisheries Act—continued**

non-navigable, is interfering or is likely to interfere with the free passage of fish, the Minister of Fisheries may cause such obstruction, in whole or in part, as the circumstances may require, to be released, or removed or destroyed in such manner and by such means as he deems fit.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**17. Regulations governing the sanitary control of shellfish fisheries**

P.C. 1245

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of April, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS, as a result of surveys of the important shellfish areas made by the Department of National Health and Welfare in co-operation with the Department of Fisheries, recommendations have been made pointing to the necessity of establishing certain controls over the shellfish producing areas in order to assure that shellfish are maintained in a safe and sanitary condition for human consumption;

AND WHEREAS the Minister of Fisheries is of the opinion that Regulations should be established for carrying into effect such recommendations;

Now, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of the Fisheries Act, 22-23 George V, chapter 42, is pleased to make the annexed Regulations governing the Sanitary Control of Shellfish Fisheries and they are hereby made and established accordingly.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**REGULATIONS GOVERNING THE SANITARY CONTROL OF SHELLFISH FISHERIES**

**DEFINITIONS**

In these regulations, unless the context otherwise requires,

"Shellfish" shall include oysters, clams, mussels, scallops, and all other bivalve molluscs.

"Shellfish Grounds" shall mean all areas from which shellfish are or may be taken.

"Contaminated Area" shall mean any shellfish area so defined by the Department of National Health and Welfare.

"Pure Water Area" shall mean any shellfish ground which has been approved by the Department of National Health and Welfare for the relaying under special permit of shellfish which have been transferred from contaminated areas.

**Fisheries Act—continued**

“Person” shall mean an individual, partnership, association, company or corporation.

“Transplanting” shall mean the act of removing shellfish from one growing area or shellfish ground to another area or ground for any purpose.

“Fish Inspection Laboratory” shall mean the Fish Inspection Laboratory (Atlantic Coast) of the Dominion Department of Fisheries, Halifax, Nova Scotia, including the analysts employed therein.

“Analyst” shall mean the Director of the Fish Inspection Laboratory, any person employed therein, or any officer of the Department of National Health and Welfare, appointed under authority of Section 5 of the Fish Inspection Act and under authority of Section 5 of the Meat and Canned Foods Act, expressly for the purpose of enforcing these regulations.

1. These regulations shall apply to all phases of the shellfish fisheries of Eastern Canada, including the fishing, producing, growing, taking, transplanting or storing of shellfish, and to the sanitary control which is in any way required to assure that shellfish are maintained in a safe and sanitary condition for human consumption.

2. (a) An analyst shall have power to make such investigations or examinations of shellfish grounds and methods or facilities used or involved in the fishing, producing, growing, taking, transplanting and storing of shellfish as are deemed necessary to secure compliance with these regulations, and for such purposes, may enter, investigate, survey or examine all shellfish grounds, equipment, and all places, either publicly or privately owned, where shellfish are grown, kept, or stored.

(b) In the course of any such investigations, an analyst shall have authority to take free of charge such samples of shellfish as are deemed necessary.

3. If, after examination by the Fish Inspection Laboratory and/or the Department of National Health and Welfare, the Department of National Health and Welfare declares that contamination exists in any shellfish grounds the Minister may immediately condemn such shellfish grounds and declare same to be a contaminated area, may establish and promulgate definite boundaries of such area or areas, and may cause signs to be posted on such area or areas.

4. (a) No person shall fish for, dig, or take shellfish from a contaminated area except by special permit issued under the authority of the Minister.

(b) The holder of such special permit may take shellfish only from areas specified in the permit for the purpose of relaying such shellfish in pure water areas.

(c) Fishing for, taking, or removing shellfish under such special permit shall be restricted to such times as may be specified in the permit.

(d) The shellfish so taken under special permit must be transferred directly to purewater areas from the producing beds and remain in such areas for such time as may be specified by the Minister.

5. The Minister may also issue a special permit allowing the taking of shellfish for bait from contaminated areas.



**Fisheries Act—continued**

6. (a) All equipment used for the fishing, storing or transporting of shellfish shall be kept clean at all times.

It must be so constructed as to prevent shellfish at all times from coming in contact with drainage or bilge water, or polluted water of any kind. Decks, holds, or bins used for storage on boats shall not be washed with polluted water.

- (b) Workmen or other persons on boats shall not directly discharge human body wastes into the waters over shellfish areas.

**18. Application of fines and the proceeds from forfeitures**

P.C. 5362

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS by section 74 of The Fisheries Act, 1932, the Governor in Council may prescribe the manner in which the proceeds of penalties and the proceeds of the sale of confiscated articles shall be distributed;

AND WHEREAS it is deemed necessary to make the provisions herein-after set forth which were formerly made by Order in Council P.C. 481 of March, 1929 under the authority of The Fisheries Act, chapter 73 of the Revised Statutes, which Act was repealed by The Fisheries Act, 1932;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 74 of The Fisheries Act, 1932, is pleased to order as follows:

1. Order in Council P.C. 481 of March 20, 1929, is hereby revoked; and

2. The "Applications of Fines and the Proceeds from Forfeitures", as hereinafter set out, are hereby established and substituted for the Order in Council hereby revoked.

**APPLICATIONS OF FINES AND THE PROCEEDS FROM FORFEITURES**

1. When penalties are imposed and when articles are confiscated under The Fisheries Act, following complaints laid by employees whose salaries and expenses are paid by a Provincial Government, the proceeds of such penalties and from the disposal of such confiscated articles shall be paid to the Government which pays such employees, on condition that all expenses incurred in such prosecutions and in the custody and disposal of confiscated articles, that are not collected from the defendants, shall be paid by such Government.

2. In all instances where penalties are imposed or articles are confiscated, following prosecutions by fishery officers or fishery guardians employed by the Department of Fisheries, the whole of the proceeds of such prosecutions and from the disposal of such confiscated articles shall be paid to the Minister of Finance through the Department of Fisheries.

**Fisheries Act—continued**

3. In instances where the prosecutor is not a fishery officer or fishery guardian of the Department of Fisheries, or an employee of any Provincial Government, a moiety of the penalty levied together with the costs taxed to him in respect thereof, as well as of the proceeds from the disposal of confiscated articles, after the costs incurred in connection with the custody and disposal thereof have been deducted therefrom, shall be paid to him and the other moiety shall be paid to the Minister of Finance through the Department of Fisheries.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**19. Regulations for the protection of belugas**

P.C. 2707

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of June, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 34 of The Fisheries Act, 1932, is pleased to make the following regulations entitled "Regulations for the Protection of Belugas" and the said Regulations are hereby made and established, effective as of the date hereof:

**REGULATIONS FOR THE PROTECTION OF BELUGAS**

In the waters or the tidal tributaries of Hudson Bay, Hudson Strait, James Bay and Ungava Bay:

1. No person except under authority of a licence or except as herein otherwise permitted shall fish for or kill a beluga or belugas (cetacean of the genus *Delphinapterus*);

2. The following persons may without a licence fish for or kill belugas for their own domestic use and for the feeding of their dogs:—

- (a) An Indian, Eskimo, halfbreed Indian or Eskimo,
- (b) Members of the Royal Canadian Mounted Police;

3. Any person may dispose of the meat of a beluga lawfully killed to travellers for food for themselves or their dogs;

4. The Minister of Fisheries upon such terms and conditions as he requires may authorize issuance of a licence to any person to fish for or kill belugas;

5. Every such licence shall expire on the thirty-first day of December of the year in which granted; the fee therefor shall be one dollar (\$1.00).

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**Fisheries Act—continued**

**20. Regulations for the protection of walruses**

P.C. 4991

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of September, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of The Fisheries Act, 1932, is pleased to order as follows:

1. The Regulations for the Protection of Walruses, established by Order in Council P.C. 5361 of 31st December 1947, are hereby revoked; and

2. The annexed "Regulations for the Protection of Walruses" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

REGULATIONS FOR THE PROTECTION OF WALRUSES

1. These regulations may be cited as the "Walrus Protection Regulations."

2. In these regulations "Eskimo" includes a person of mixed Eskimo blood who leads the life of an Eskimo.

3. (1) No person shall kill a walrus except for food for himself or his family or his dogs.

(2) No Eskimo having dependants shall kill more than seven walruses in a year.

(3) No person other than an Eskimo having dependants shall kill more than four walruses in a year.

4. No person other than an Eskimo shall kill a walrus without a licence issued by authority of the Minister of Fisheries; and not more than two licences may be issued to representatives of any company, organization or establishment at any one point, station, or post.

5. (1) Unless the hunting or killing is under the supervision of a member or a person authorized by a member of the Royal Canadian Mounted Police, no person shall hunt or kill walruses at Salisbury Island, Nottingham Island or Walrus Island.

(2) The person supervising the hunting and killing of walruses at any of these islands may limit the number of guns carried by the hunters and the number of walruses which may be taken.

(3) Not more than one supervised walrus hunt shall take place at any of such islands in a year.



**Fisheries Act—continued**

6. Any person killing any walruses shall report each year to an officer of the Royal Canadian Mounted Police on the 31st of December thereof, or as soon thereafter as possible, the number of walruses killed by him and where such walruses were killed.

7. No person shall sell nor otherwise dispose of walrus meat to anyone except to a traveller or other resident for food for themselves or their families or their dogs.

8. No person shall ship or export from the Northwest Territories or from those parts of the provinces of Quebec and Newfoundland north of 55° North latitude, walrus tusks that are not carved or otherwise worked up for sale in a retail way nor any walrus hides except under permit issued by authority of the Minister of Fisheries.

**21. Regulations for the protection of seals**

P.C. 5293

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to make the following regulations entitled "Regulations for the Protection of Seals" for the purposes of the conservation of seals in northern Canada and their preservation as a food supply for the Eskimos, and they are hereby made and established accordingly.

## REGULATIONS FOR THE PROTECTION OF SEALS

1. These regulations may be cited as the "Seal Protection Regulations".

2. In these regulations,

- (a) "resident" means a person residing continuously in the defined area during a period of not less than twelve months.
- (b) "defined area" means the Canadian waters and Territories north of 60° North latitude and includes the whole of Ungava, Hudson Bay and James Bay.

3. No person shall kill any seals in the defined area excepting a resident who may kill seals for food for himself, his family and his dogs, and also excepting a person who may be authorized by the Minister to kill seals for scientific purposes.

4. No person shall sell or otherwise dispose of seal meat to anyone except to travellers or other residents for food for themselves or their families or their dogs.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**Fisheries Act—continued**

**22. Regulations respecting the licensing of otter-type trawls in Atlantic coast waters**

P.C. 5698

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section thirty-four of The Fisheries Act, 1932, is pleased to order as follows:

1. The Regulations specifying the conditions under which a fishing vessel using an otter or other trawl of a similar nature might be licensed, established by Order in Council P.C. 5363 of 31st December, 1947, as amended, are hereby revoked; and

2. The annexed "Regulations respecting the Licensing of Otter-type Trawls in Atlantic Coast Waters" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

REGULATIONS RESPECTING THE LICENSING OF OTTER-TYPE TRAWLS  
IN ATLANTIC COAST WATERS

1. A licence for a fishing vessel using an otter or other trawl of a similar nature, other than a small dragger operated by inshore fishermen, will not be granted, except under the following conditions:

- (a) That the applicant for such licence shall furnish the Minister of Fisheries with evidence that will satisfy the said Minister, that he cannot obtain an adequate supply of suitable fish to enable him properly to conduct and develop his business from the hook and line fishermen, and that if the licence is granted, the extent of his purchase of fresh fish from the said fishermen will not be adversely affected.
- (b) That there shall be painted on both bows and on both quarters of such fishing vessel the number of the licence under which it is operating. This number shall be painted in white on a black ground and each figure shall not be less than eighteen inches in length and two and a half inches in breadth.
- (c) The fee on such licence shall be Five Hundred Dollars and the amount thereof shall accompany the application.

2. A licence for a small dragger operated by inshore fishermen will not be granted, except under the following conditions:

- (a) That the applicant shall furnish the Minister of Fisheries with evidence that will satisfy the said Minister that the operation of such dragger will not interfere with other methods of inshore fishing.

**Fisheries Act—continued**

- (b) That there shall be painted on both bows of such fishing vessel the number of the licence under which it is operating. This number shall be painted in white on a black ground and each figure shall not be less than six inches in length and one-half inch in breadth.
- (c) The fee on such licence shall be five dollars, and the amount thereof shall accompany the application.

3. These Regulations shall apply only in respect of vessels operated in Atlantic waters.

**FISHERIES—APPROPRIATION ACT No. 4, 1948, (ITEM 111).****23. Regulations *re* assistance in construction of vessels of the dragger or longliner type**

P.C. 1919

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 22nd day of May, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS, under Vote No. 91 in the Estimates of the Department of Fisheries for the fiscal year 1947-1948, the sum of \$200,000 is provided for assistance in the construction of vessels of the dragger or long-liner type under terms and conditions to be approved by the Governor General in Council;

AND WHEREAS it is in the public interest and in the interest of the fishing industry on the Atlantic Coast, that such assistance be made available to any one or more fishermen in the case of vessels of approved type measuring between 55 and 60 feet overall length of main hull, and to groups of fishermen of not less than four, in the case of such vessels exceeding 60 feet in length;

AND WHEREAS it is desirable and expedient that such assistance be made available to fishermen through the medium of Fishermen's Loan Boards, formed under the control and direction of the Provincial Governments for the purpose of providing assistance to fishermen by means of loans and otherwise;

NOW, THEREFORE His Excellency the Governor General in Council on the recommendation of the Minister of Fisheries, is pleased to make the following regulations and they are hereby made and established accordingly:

**1. In these Regulations the expression:**

- (a) "Minister of Fisheries" means the Minister of Fisheries of the Government of Canada;
- (b) "Fishermen's Loan Board" means a Board created by Statute of the Legislature of any of the provinces on the Atlantic Coast, and being under the control and direction of the Government of such province and formed for the purpose of providing assistance to fishermen by means of loans or otherwise;



**Fisheries Act—continued**

- (c) "group of four or more fishermen" includes co-operatives and incorporated companies, provided that in the case of companies not less than 51 per centum of the stock of such company is purchased and held by not less than 4 fishermen who shall be crew members of the vessel.

2. The Minister of Fisheries may make payments to Fishermen's Loan Board not exceeding \$165.00 per ton, gross tonnage, for the construction of fishing vessels of the dragger or long-liner type: (a) owned by one or more fishermen and measuring not less than 55 feet and not more than (60) feet overall length of main hull; or (b) owned by any group of four or more fishermen and measuring not less than 60 feet to a maximum overall length of main hull to be determined by the Minister of Fisheries.

3. The length shall be measured from the forward part of the stem to the after side of the rim timbers and the draggers and longline fishing vessels shall be otherwise of approved proportions and suitable form and equipped with sufficient power for the service in which the vessel will be engaged.

4. The plans of the vessels must be approved by the Board of Steamship Inspection of the Department of Transport and certified by it to come within the dragger or long-line fishing vessel type or class.

5. The Minister of Fisheries before making the payments herein provided for, shall enter into an agreement with the Fishermen's Loan Board, which shall provide:

- (a) that, unless otherwise authorized by the Minister of Fisheries, the vessels in respect of which the subsidy has been paid, shall be kept actively engaged in fishing operations using an "otter" or other trawl of a similar nature, and in the case of long-liners, a power gurdy, during the fishing seasons of each of five years from the date of issue of an inspection certificate by a Steamship Inspector of the Board of Steamship Inspection;
- (b) that during said period of five years such vessels shall not be sold, or shall not be chartered to engage in any operations outside of said fishing operations, without the consent in writing of the Minister of Fisheries;
- (c) that the Fishermen's Loan Board shall assume responsibility, by insurance or otherwise, for the protection of such vessels against loss or damage to the extent of the amount paid by the Minister of Fisheries to the Board;
- (d) for re-imbursement to the Government of Canada of the amount of subsidy, or any portion thereof, paid in respect of any vessel to the Fishermen's Loan Board, in the event of non-observance of any of the conditions of the said agreement;
- (e) such other conditions as the Minister of Fisheries may deem necessary for carrying out the purposes for which the assistance is granted.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**Fisheries Act**—*continued***FISHERIES—APPROPRIATION ACT No. 4, 1948, (ITEM 112).****24 Regulations for providing assistance in the construction of  
bait freezing and storage facilities**

P.C. 3451

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 3rd day of August, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Fisheries reports:

THAT by Order in Council P.C. 250 of 11th February, 1930, as amended, certain regulations entitled "Regulations for the Encouragement of the construction and operation of Fishermen's Bait Freezing and Storage Plants" were established;

THAT the said Regulations have proved unduly restrictive of the purpose for which they were intended, and that it is desirable and expedient that assistance be granted to provide for the establishment of bait freezing and storage facilities in any type of plant equipped with mechanical refrigeration, whether existing or to be constructed.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under and by virtue of The Appropriation Act, No. 4, 1947-48, Vote No. 112, is pleased to order as follows:

1. The regulations entitled "Regulations for the Encouragement of the construction and operation of Fishermen's Bait Freezing and Storage Plants", established by Order in Council P.C. 250 of 11th February, 1930, as amended, are hereby revoked; and

2. The annexed regulations entitled "Regulations for Providing Assistance in the Construction of Bait Freezing and Storage Facilities" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**REGULATIONS FOR PROVIDING ASSISTANCE IN THE CONSTRUCTION OF BAIT  
FREEZING AND STORAGE FACILITIES**

**1.** In these Regulations the expression:

- (a) "applicant" includes person, incorporated fishermen's association, partnership, and body corporate or politic;
- (b) "Minister" means the Minister of Fisheries.

**Fisheries Act—continued**

2. The Minister may grant assistance to an applicant to provide, maintain and operate bait freezing and storage facilities for fishermen to a maximum of 75 per centum of the cost of the bait storage space provided but not so as to exceed the sum of \$10,000; provided that, in the opinion of the Minister,

- (a) fishery conditions in the area proposed to be serviced require such facilities to be provided as a matter of convenience and necessity;
- (b) the facilities will be adequate and satisfactory and will be adequately refrigerated by mechanical means;
- (c) the applicant is financially responsible.

3. The Minister shall enter into an agreement with the applicant which shall provide:

- (a) that the agreement shall be for a period of ten years;
- (b) that the applicant will freeze and store bait to meet the requirements of the fishermen of the area serviced in such quantities as they require and will supply the same when reasonably required at a price not more than that prevailing in comparable areas or as may be fixed from time to time by the Minister;
- (c) that the applicant shall furnish, not later than the fifth day of each month, a statement to the Minister showing:
  - (i) the quantities and kinds of bait frozen and stored during the preceding month and the prices paid by the applicant therefor;
  - (ii) the quantities and kinds of bait sold during the previous month and the prices received by the applicant therefor;
  - (iii) the quantities and kinds of bait in storage at the end of the previous month;
  - (iv) such further and other information as the Minister may at any time require;
- (d) that the facilities and any premises or equipment necessary thereto shall be provided, maintained and operated in a condition and manner adequate and satisfactory to the Minister;
- (e) that the Minister may inspect or cause to be inspected by such person or persons as he may from time to time designate the facilities provided, including any premises or equipment necessary thereto, and the maintenance and operation of such facilities, premises or equipment;
- (f) that the applicant shall not sell such facilities or assign the Agreement without the written permission of the Minister;
- (g) such other terms and conditions as the Minister may deem necessary for carrying out the purposes for which the assistance is granted.

4. The Minister shall not enter into an agreement hereunder unless and until the applicant deposits with him a bond, of a surety company acceptable to the Minister of Finance and of a form approved by the Minister of Justice, in a penal sum equal to the amount of the assistance to be granted conditioned upon the due observance and faithful performance of the terms and conditions of the agreement to be observed and performed by the applicant; at the expiration of one year from the execution of such



**Fisheries Act—continued**

an agreement, the said bond not having been forfeited, the Minister, in his discretion, may accept in substitution therefor a bond of similar kind and condition in a penal sum lesser by 10 per centum of the amount of such assistance; and so and similarly in or for each subsequent year thereafter.

5. The cost of providing the bait storage space in respect of which assistance is granted hereunder, or the proportion of costs that may be allocated thereto, shall be appraised and determined by an architect of the Department of Public Works.

6. When an applicant has deposited a bond as herein provided, the Minister may grant assistance thereafter to the applicant in such amount and at such time or times and otherwise in such manner as he deems advisable to an amount equal to the total assistance to be granted.

7. The Minister may prescribe and authorize the use of such forms and require such information as may be necessary for the purpose of these regulations.

**25. Ministerial Orders under section 29: Conversion of fish into fish meal, fertilizer, oil and such products***(a) Mussels.*

## DEPARTMENT OF FISHERIES

## NOTICE

Notice is hereby given that the Acting Minister of Fisheries has exempted mussels from the operations of section 29 of the Fisheries Act so that they may be caught, fished for, taken, bought, sold or possessed for the purpose of converting them into fish meal, manure, guano or fertilizer.

WM. A. FOUND,  
*Deputy Minister.*

Ottawa, June 12, 1934.

*(b) Herring caught in Fishery District No. 3, British Columbia.*

## DEPARTMENT OF FISHERIES

## NOTICE

Notice is hereby given that the Minister of Fisheries, under authority of section 29 of the Fisheries Act, 22-23 George V, chapter 42, has exempted from the operation of the said Section, herring, caught in Fisheries District No. 3, British Columbia, during the legal herring season, so that the aforesaid herring may be fished for, caught, taken, bought, sold or possessed for the purpose of converting them into fish meal, fertilizer, oil and such products in the said Fisheries District.

WM. A. FOUND,  
*Deputy Minister.*

Ottawa, October 10, 1936.

*(c) Anchovies, British Columbia coast.*

## DEPARTMENT OF FISHERIES

## NOTICE

Notice is hereby given that the Minister of Fisheries, acting under the authority of section 29 of the Fisheries Act, 22-23 George V, chapter 42,

**Fisheries Act—continued**

has exempted anchovies caught in British Columbia from the operation of said section so that the aforesaid anchovies may be fished for, caught, taken, bought, sold or possessed for the purpose of converting them into fish meal, fertilizer, oil and such products, until further notice.

D. B. FINN,  
*Deputy Minister.*

Ottawa, August 13, 1942.

(d) *Dogfish and skate.*

DEPARTMENT OF FISHERIES

NOTICE

Notice is hereby given that the Minister of Fisheries has, under the authority of section 29 of the Fisheries Act, 22-23 George V, chapter 42, excepted dogfish and skate from the operation of the above cited section so that these fish may be fished for, caught, taken, bought, sold, possessed or exported for the purpose of converting them into fish meal, fertilizer, oil and similar products.

STEWART BATES,  
*Deputy Minister.*

Ottawa, December 31, 1947.

(e) *Spring Herring, Atlantic Coast.*

DEPARTMENT OF FISHERIES

NOTICE

Notice is hereby given that the Minister of Fisheries, under authority of section 29 of the Fisheries Act, 1932, has exempted spring herring on the Atlantic coast from the operation of the said section, so that these fish may be caught and sold for the purpose of converting them into oil, fertilizer, fish meal and similar products.

STEWART BATES,  
*Deputy Minister.*

Ottawa, December 31, 1947.

(f) *Herring caught in waters of the Bay of Fundy.*

DEPARTMENT OF FISHERIES

NOTICE

Notice is hereby given that the Minister of Fisheries has exempted herring caught in the Bay of Fundy waters adjacent to New Brunswick, from the operation of section 29 of the Fisheries Act, 1932, so that herring in the waters aforesaid may be fished for, caught, taken, bought, sold or possessed for the purpose of converting them into fish meal, fertilizer, oil and similar products.

STEWART BATES,  
*Deputy Minister.*

Ottawa, December 31, 1947.

**Fisheries Act—continued**

(g) *Herring and Pilchards in Fishery Districts Nos. 1 and 2, British Columbia.*

## DEPARTMENT OF FISHERIES

## NOTICE

1. Notice is hereby given that the Minister of Fisheries has exempted herring caught in Fisheries Districts Nos. 1 and 2, British Columbia, from the operation of section 29 of the Fisheries Act, 1932, so that herring may be fished for, caught, taken, bought, sold, or possessed for the purpose of converting them into fish meal, fertilizer, oil and similar products, in the said Fisheries Districts, or either of them.

2. Notice is also hereby given that the Minister of Fisheries has exempted pilchards caught off any portion of the coast of British Columbia from the operation of section 29 of the Fisheries Act, 1932, so that such pilchards may be fished for, caught, taken, bought, sold or possessed for the purpose of converting them into fish meal, fertilizer, oil and similar products on any portion of the coast of British Columbia.

STEWART BATES,  
*Deputy Minister.*

Ottawa, December 31, 1947.

**26. Ministerial Orders made under section 48: Closure of certain areas for natural or artificial propagation****(a) Petpeswick Harbour, Nova Scotia, clam flats**

## DEPARTMENT OF FISHERIES

## NOTICE

The Minister of Fisheries, acting under authority granted to him by section 48 of the Fisheries Act, chapter 42, 22-23 George V, has decided that the areas of clam flats hereinafter described, shall be and are hereby set aside for scientific purposes, and that public fishing therefrom is prohibited:

All those certain lots or parcels of land situated at the mouth of Petpeswick Harbour, Halifax County, Nova Scotia, covered by water at high tide, the boundaries of which are more particularly described as follows:

- (a) On the east side of said Harbour: The northeast corner of the area is a point six hundred and fifty feet due west, magnetic, from a point at high-water mark twenty-five feet due north, magnetic, of the fishing wharf of Charles T. Young. The area is six hundred feet square, the sides being east and west and north and south magnetic;
- (b) On the west side of said Harbour, beginning at a point on the westerly edge of the channel of Petpeswick Harbour, the said point being on a line south five degrees west, magnetic, from the southerly side of Harris Anderson's house; thence from this point of beginning running four hundred feet northerly and four hundred feet southerly along the westerly edge of the said channel to the northeast and southeast corners, respectively, of the said lot;



**Fisheries Act—continued**

thence from the northeast and southeast corners, as above determined, running north forty-five degrees west, magnetic, to high water mark, these lines being the northerly and southerly boundaries of the said lot, the westerly boundary being the line of high-water mark between these boundaries.

D. B. FINN,  
*Deputy Minister.*

Ottawa, November 11, 1944.

**(b) False Bay Lagoon, British Columbia**

DEPARTMENT OF FISHERIES

NOTICE

Notice is hereby given that the Minister of Fisheries, acting under authority granted to him by section 48 of the Fisheries Act, 22-23 George V, chapter 42, has determined that the following described water area in British Columbia be set apart for the natural or artificial propagation of fish. Accordingly, until further notice, fishing therein is not permissible at any time.

That portion of False Bay known as False Bay Lagoon lying southeasterly of a straight line drawn between two fishery boundary signs placed on the shores of the entrance thereof, which Lagoon extends southeasterly into Lasqueti Island from the southerly shore of False Bay.

STEWART BATES,  
*Deputy Minister.*

Ottawa, June 26, 1947.

**(c) Shippigan District, New Brunswick**

DEPARTMENT OF FISHERIES

The Minister of Fisheries, pursuant to the power vested in him by section 48 of the Fisheries Act, 1932, has authorized to be set apart for the propagation of fish, from the date hereof until further notice, those certain waters in the south branch of St. Simon Inlet in the Shippigan District in the County of Gloucester and Province of New Brunswick, described as follows:

*Beginning* at a point, determined by commencing at Monument No. 29 in accordance with Sheet No. 4 of the Plan showing oyster leases in the Shippigan District, thence south 77 degrees and 32 minutes east a distance of 209 feet, thence south 12 degrees and 28 minutes west a distance of 235 feet to the point of beginning; *thence* from the point of beginning so determined south 77 degrees and 32 minutes east a

**Fisheries Act—concluded**

distance of 600 feet; *thence* south 12 degrees and 28 minutes west a distance of 720 feet; *thence* north 77 degrees and 32 minutes west a distance of 600 feet; *thence* north 12 degrees and 28 minutes east a distance of 720 feet to the point of beginning. All bearings given are in accordance with the magnetic meridian of the year 1945.

Fishing in the above described waters without written permission from a fishery officer is accordingly prohibited.

STEWART BATES,  
*Deputy Minister.*

Ottawa, September 24, 1948.

**FISHERIES PRICES SUPPORT ACT, 1944. (1944-45, c. 42).**

No statutory orders or regulations were in effect under this statute on December 31, 1949.

**CANADIAN FISHERMAN'S LOAN ACT. (1935, c. 52).****The Canadian Fishermen's Loan (General) Regulations**

P.C. 2083

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of April, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the provisions of The Canadian Fisherman's Loan Act, chapter 52 of the Statutes of Canada, 1935, is pleased to approve and doth hereby approve the attached regulations entitled "The Canadian Fisherman's Loan (General) Regulations" made on the 9th day of March, 1949, by the Canadian Farm Loan Board under the authority of The Canadian Fisherman's Loan Act.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**THE CANADIAN FISHERMAN'S LOAN (GENERAL) REGULATIONS****1. In these regulations:**

- (a) "Act" means the Canadian Fisherman's Loan Act;
- (b) "Board" means the Canadian Farm Loan Board;
- (c) "Commissioner" means the Canadian Farm Loan Commissioner; and
- (d) "Branch Manager" means a Chief Executive Officer appointed in accordance with the provisions of section 9 of the Act.

**Canadian Fisherman's Loan Act—continued**

EXECUTION OF DOCUMENTS BY BOARD

2. (1) The Seal and impression thereof as made on these regulations is hereby declared to be the Corporate Seal of the Board.

(2) All transfers, assignments, discharges, deeds, securities or other instruments of whatever kind and nature shall be deemed to be duly executed by and on behalf of the Board, if its Corporate Seal is affixed thereto and attested by the Commissioner, or any other member of the Board and countersigned by the Secretary of the Board, and when so executed all such instruments shall be deemed to have been validly and effectually executed by and on behalf of the Board.

COMPLETION OF HYPOTHECS OF THE BOARD

3. Hypothecs taken to secure loans made by the Canadian Farm Loan Board in the Province of Quebec and executed by Notarial Deed may be accepted and completed on behalf of the Board by the Chief Executive Officer for the said Province, Mr. J. A. Proulx, or by such other person as shall act as his attorney by virtue of a special Power of Attorney signed by him, or may be accepted and completed on behalf of the Board by such person or persons as are from time to time so authorized by the Board by Resolution and hypothecs when so accepted on behalf of the Board shall be deemed to be duly accepted and completed by the Board.

BRANCH OFFICES

4. Branch Offices of the Board shall be established as follows to serve the following designated territories:

- At Halifax for the Province of Nova Scotia;
- At Charlottetown for the Province of Prince Edward Island;
- At Saint John for the Province of New Brunswick;
- At Quebec City for the Province of Quebec;
- At Toronto for the Province of Ontario;
- At Winnipeg for the Province of Manitoba;
- At Regina for the Province of Saskatchewan;
- At Edmonton for the Province of Alberta; and
- At New Westminster for the Province of British Columbia.

FINANCIAL YEAR

5. The financial year of the Board shall end on March 31 each year.

6. The Board shall make a written report to the Minister of Finance on the operations of the Board for each fiscal year after the end of the fiscal year and the completion of the audit of its books.

AUDIT AND INSPECTION

7. (1) The firm of chartered accountants appointed under section 13 of the Canadian Farm Loan Act to audit the books of the Board in respect of operations under the Canadian Farm Loan Act shall make an annual audit of the books of the Board in respect of operations under this Act, and in accordance with the provisions of section 12 of this Act.



**Canadian Fisherman's Loan Act—continued**

(2) The auditors of the Board shall have a right of access, at all times, to the books and accounts and vouchers of the Board, and shall be entitled to require from the members of the Board, and officials thereof, such information and explanations as may be necessary for the performance of their duties as auditors.

(3) The auditors of the Board shall make an annual report to the Board on the Annual Statements submitted to the Board and the report in each case shall state:

- (a) Whether they have obtained all the information and explanations they have required; and
- (b) Whether in their opinion, the respective statements are properly drawn up so as to exhibit a true and correct view of the state of the Board's affairs, according to the best of their information, the explanations given them, and as shown by the books of the Board.

**ELIGIBILITY OF APPLICANTS FOR LOAN**

**8.** A loan shall not be made unless the Board is reasonably satisfied that the applicant has, or with the proceeds of the loan will be able to acquire the fishing equipment necessary to carry on fishing operations efficiently.

**PAST RECORD AND PERSONAL QUALIFICATIONS OF APPLICANT AS A DETERMINING FACTOR IN GRANTING LOAN**

**9.** Within the limits and subject to the conditions for making loans prescribed by the Act the determining factor in fixing the amount of loan to be made shall be the capability of the applicant to provide for repayment thereof out of his earnings determined as far as possible from investigation of his past record and his present and estimated future earning capacity.

**APPLICATION FOR LOANS**

**10.** An application for a loan shall be made on an application form provided by the Board to the Branch Office of the Board serving the province in which the land to be mortgaged is situated.

**11.** Applications for loans shall be accompanied by an application fee of Ten dollars for loans in excess of Six hundred dollars and Five dollars in all other cases.

**12.** Where an application for loan is rejected or withdrawn before an appraisal of the land to be mortgaged is made the application fee paid by the applicant shall be refunded.

**13.** Where an appraisal of land to be mortgaged has been made pursuant to an application to the Board for a loan the application fee paid by the applicant shall be retained by the Board unless by resolution and for reasons specifically set out therein, the Board directs that the fee or part thereof should be refunded.

**APPROVAL OF LOANS**

**14.** No loans may be made without the approval of the Commissioner or some other member of the Board or some other person authorized by the Board to approve the making of loans.

**Canadian Fisherman's Loan Act—concluded**

APPRAISALS

**15.** Loans may be granted only after appraisal of the land accepted as security for loan.

**16.** Before making a recommendation for a loan an appraiser shall make a careful investigation of the personal qualifications of the applicant as one of the determining factors in the approval or rejection of the application and shall make a detailed report thereon when making his recommendation.

TERMS OF LOANS

**17.** Loans may be made on terms providing for the repayment thereof over a period consisting of a fractional portion of a year plus ten years or less as in the judgment of the official approving the loan is in the best interest of the Board.

**18.** Where the term of a loan is five years or less the borrower shall be required to pay interest yearly or half yearly and an amount of principal equal to at least ten per cent of the amount of the loan yearly during the term of the loan, the balance of principal to become due and payable at the end of the term.

INSURANCE ON BUILDINGS

**19.** Buildings on lands mortgaged to the Board as security for a loan shall be and be kept insured against loss or damage by fire for at least the amount owing to the Board or for the full insurable value where the full insurable value is less than the amount so owing.

INTEREST RATES ON LOANS

**20.** The rate of interest payable on loans made under the Act shall be five per cent per annum.

**21.** The rate of interest payable on defaulted payments and on all charges and assessments which the Board may pay to protect its security in respect of loans made under the Act shall be five and one-half per cent per annum.

FLAX FIBRE

*See INSPECTION AND SALE ACT.*

FLAXSEED, SUM PAYABLE FOR

*See WHEAT AND GRAIN (Canadian Wheat Board Regulations).*

FLUID EXPORTATION

*See ELECTRICITY AND FLUID EXPORTATION ACT.*

FODDER—INDEBTEDNESS FOR

*See DEBTS DUE THE CROWN ACT.*

**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS ACT. (1945, c. 4).**

No statutory orders or regulations have been made under this statute.

**FOOD AND DRUGS ACT. (R.S.C., 1927, c. 76)**

For canned foods see MEAT AND CANNED FOODS ACT.

1. *Amendments to Schedule A.*
2. *Amendments to Schedule B.*
3. *The Food and Drug Regulations.*

**1. Amendments to Schedule "A" to the Act**

P.C. 5642

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Schedule A to the Food and Drugs Act, as established by chapter 54 of the Statutes of 1934, has from time to time been amended pursuant to the provisions of paragraph (i) of section three of the Food and Drugs Act;

AND WHEREAS it is desirable that the said Schedule be further amended and consolidated as set forth hereunder.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Health and Welfare and by virtue of the powers conferred by the Food and Drugs Act, Revised Statutes of Canada, 1927, chapter 76, is pleased hereby to further amend Schedule A to the said Act by removing therefrom the words "Gastric and Duodenal Ulcers" and by adding thereto the words "Ulcers of the gastro-intestinal tract", and to consolidate the said Schedule, as amended by this and previous amendments, as follows:

**SCHEDULE A**

Alcoholism	Infantile Paralysis
Appendicitis	Influenza
Arteriosclerosis	Lockjaw
Blood Poisoning	Locomotor Ataxia
Bright's Disease	Obesity
Cancer	Pleurisy
Diabetes	Pneumonia
Diphtheria	Ruptures
Disorders of menstrual flow	Scarlet Fever
Disorders of the prostatic gland	Sexual Impotence
Dropsy	Small Pox
Epilepsy	Spinal Meningitis
Erysipelas	Trachoma
Gallstones, Kidney Stones, Bladder Stones	Tuberculosis
Gangrene	Tumours
Goitre	Typhoid Fever
Heart Diseases	Ulcers of the gastro-intestinal tract
High Blood Pressure	Venereal Diseases

N. A. ROBERTSON,  
*Clerk of the Privy Council.*



**Food and Drugs Act—continued**

**2. Amendments to Schedule "B" to the Act**

P.C. 5643

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Schedule B to the Food and Drugs Act has from time to time been amended pursuant to the provisions of paragraph (i) of section three of the said Act;

AND WHEREAS it is desirable that the said Schedule be consolidated as set forth hereunder.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Health and Welfare and by virtue of the powers conferred by the Food and Drugs Act, Revised Statutes of Canada, 1927, chapter 76, is pleased to consolidate and doth hereby consolidate the said Schedule B and amendments thereto in the form hereto annexed.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**SCHEDULE B**

**PART I**

Hormones, including sex hormones, and preparations thereof; any animal tissue preparation, or any synthetic drug, purporting to have physiological action similar to that of a hormone; drugs containing any of the foregoing.

**PART II**

Drugs of natural or synthetic origin that are not hypodermic tablets, that purport to be sterile, and that are intended for parenteral use including application to open wounds, alone or with added solvent, diluent, preservative, or other substance.

**PART III**

Drugs prepared from micro-organisms or viruses; toxins; sera; antibiotics; analogous preparations.

**PART IV**

Organic compounds of arsenic and analogous preparations prepared for parenteral use.

**Food and Drugs Act—continued**

## PART V

Amaranth	Injection of Ouabain
Amaranth, Concentrated Solution	Injection of Strophanthin
Anhydrous Ephedrine	Lanatoside C
Aqueous Solution of Iodine	Liniment of Camphor
Arsenical Solution	Magnesium Sulphate
Arsphenamine	Neoarsphenamine
Brilliant Blue FCF	Nitrous Oxide
Calamine	Ouabain
Calamine Lotion	Oxophenarsine Hydrochloride
Cassia Oil	Phosphoric Acid
Coconut Oil	Pituitary Extract (Posterior Lobe)
Corn Oil	Ponceau 3R
Cyclopropane	Powdered Digitalis
Dichlorophenarsine Hydrochloride	Sodium Phosphate
Digitalis	Sodium Sulphate
Digitoxin	Spirit of Nitrous Ether
Digoxin	Strong Solution of Iodine
Dilute Phosphoric Acid	Strophanthin
Dried Thyroid	Strophanthus
Epinephrine	Sulpharsphenamine
Epinephrine Hydrochloride Solution	Sulphathiazole Sodium
Gelatin	Tartrazine
Halibut Liver Oil	Tetracaine Hydrochloride
Injection of Digitalis	Tincture of Digitalis
Injection of Digitoxin	Tincture of Strophanthus
Injection of Digoxin	Weak Solution of Iodine
Injection of Lanatoside C	Zinc Sulphate

**3. The Food and Drug Regulations**

P.C. 5670

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Health and Welfare and under the authority of the Food and Drugs Act, Revised Statutes of Canada, 1927, chapter 76, is pleased to order as follows:

1. The Food and Drug Regulations, established by Order in Council P.C. 1536 of 5th April, 1949, as amended, are hereby revoked; and

2. The annexed regulations entitled "The Food and Drug Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**Food and Drugs Act—continued**

THE FOOD AND DRUG REGULATIONS

**Part A**

DIVISION 1

*General*

- A.01.001.** These regulations may be cited as The Food and Drug Regulations.
- A.01.002.** Where applicable the provisions of these regulations prescribe the standards of quality for and fix the limits of variabilities permissible in the food or drug to which they refer.
- A.01.003.** In these regulations the term “cubic centimetre” and its abbreviation “cc.” shall be deemed to be interchangeable with the term “millilitre” and its abbreviation “ml.”
- A.01.004.** When not otherwise provided in these regulations names of foods or drugs printed in bold-face type shall, where applicable, be deemed to be the common names or the proper names of the foods and the drugs to which they refer.

DIVISION 2

*Interpretation*

In these regulations

- A.02.001.** “Act” means the Food and Drugs Act;
- A.02.002.** “Department” means the Department of National Health and Welfare;
- A.02.003.** “Food and Drug Laboratories” means the laboratories of the Food and Drug divisions of the Department;
- A.02.004.** “Laboratory of Hygiene” means the Laboratory of Hygiene of the Department;
- A.02.005.** “advertisement” means any representation by any means whatsoever for the purpose of promoting directly or indirectly the sale or disposal of any food or drug;
- A.02.006.** “common name” means the name in English or French by which any food or drug is generally known;
- A.02.007.** “proper name” means the unabbreviated name in English or French assigned to any drug in these regulations, in any pharmacopoeia, or in some generally recognized standard work on *materia medica* or drugs;
- A.02.008.** “compound” means any article of food containing a predominating ingredient for which the compound is named, and includes “mixture”;
- A.02.009.** “label” means any legend or mark included in, belonging to, or accompanying a package of food or drug;



**Food and Drugs Act—continued**

- A.02.010.** “inner label” means the label on or affixed to the immediate container;
- A.02.011.** “outer label” means the label on or affixed to the outside of the package;
- A.02.012.** “inspection officer” means any member of the technical staff of the Department designated by the Deputy Minister to carry out any inspection under the provisions of paragraph (d) of subsection three of section six of the Act;
- A.02.013.** “lot number” means any combination of letters, or figures, or both, by which any food or drug can be traced in manufacture or distribution;
- A.02.014.** “manufacturer” means a person who, under his own name, or under a trade, design or word mark, trade name or other name, word or mark controlled by him, sells a food or a drug to the general public or to a wholesaler, jobber, or other distributor, for resale to the general public, and includes a firm, partnership, or corporation;
- A.02.015.** “official drug” means any drug mentioned or described in these regulations, in any pharmacopoeia, or in some generally recognized standard work on *materia medica* or drugs;
- A.02.016.** “prescription” means a written order issued and signed by any person authorized to treat patients with drugs in any province of Canada directing the dispensing of a stated amount of any drug or mixture of drugs to the patient named in such order;
- A.02.017.** “internal use” means ingestion by mouth, or application to any part of the body in which the drug comes into contact with mucous membrane;
- A.02.018.** “parenteral use” means administration of a drug by means of a hypodermic syringe, needle, or other surgical instrument, through or into the skin;
- A.02.019.** “sell” means sell, offer for sale, expose for sale, advertise for sale, manufacture for sale, and have in possession for sale.

## DIVISION 3

*Dominion Analysts*

- A.03.001.** All designations as Dominion analysts prior to the coming into force of these regulations are hereby revoked and the members of the technical staff appointed to the services of the Department who are named in Appendix I to these regulations are hereby designated as Dominion analysts.

## DIVISION 4

*Duties of Inspectors*

- A.04.001.** Inspectors shall perform the functions and duties, and carry out the responsibilities, prescribed by the Act, the regulations, and the Minister.

**Food and Drugs Act—continued**

- A.04.002.** The authority of an inspector extends to and includes the whole of Canada.
- A.04.003.** Without limiting the means of proof of the appointment or authority of an inspector, as provided by any statute or law, the production of a certificate of such appointment, signed by the Deputy Minister and bearing the seal of the Department, shall *prima facie* be accepted as evidence thereof.
- A.04.004.** Where authorized by regulation pursuant to the Canadian Broadcasting Act inspectors shall act as representatives of the Canadian Broadcasting Corporation for the purpose of enforcing the regulations thereof in respect to the advertising of foods and of drugs.

DIVISION 5

*Disposal of Import Shipments*

- A.05.001.** An inspector shall examine customs entries of any shipment of food or drug sought to be imported into Canada and take samples of such as he has reason to believe may be, or may be used, in violation of the Act or these regulations and detain, pending examination of such sample, such articles as are included in such shipment.
- A.05.002.** When any sample of any food or drug is taken as prescribed by A.05.001, the inspector shall forthwith submit such sample to a Dominion analyst for examination and report.
- A.05.003.** The inspector shall send a report to the Collector of Customs wherever any food or drug is refused entry under subsection three of section ten of the Act, and a copy of notice of the refusal of entry to the importer at the address shown on the shipment.
- A.05.004.** Where the shipment of food or drug is the subject of examination under the provisions of A.05.002 and is refused entry pursuant to section ten of the Act, such shipment, unless exported within three months from the date of refusal of entry, shall be forfeited to the Crown and shall be disposed of as the Minister may direct.
- A.05.005.** Notwithstanding the provisions of A.05.004 any shipment of food or drug that is refused entry pursuant to section ten of the Act may be released from customs bond to the importer upon such importer complying with written conditions as may be specified in the report of the Dominion analyst who made the examination, and where within a period specified therein the shipment does not comply with the said conditions it shall be exported, and if not exported it shall be forfeited to the Crown and shall be disposed of as the Minister may direct; provided that the Minister may extend the time for meeting the said conditions or for exporting the said shipment, as the case may be.

DIVISION 6

*Sampling*

- A.06.001.** When, under the provisions of section eleven of the Act, an inspector procures a sample consisting of a single package of food or drug which he divides into three parts he shall forward that part bearing the label to the Dominion analyst, and if a wrapper is used such wrapper shall be attached to the part of the sample so forwarded.

**Food and Drugs Act—continued**

- A.06.002.** Where the division of any sample taken under the provisions of section eleven of the Act would interfere with analysis, such sample shall not be divided into three parts.

## DIVISION 7

*Tariff of Fees*

- A.07.001.** The cost of analysing any sample under the provisions of the Act is five dollars for each qualitative test, and ten dollars for each quantitative determination, the total cost in no case to exceed forty dollars.

- A.07.002.** The cost of analysing any sample for a department of government for the purpose of legal action is ten dollars.

**Part B****FOODS**

## DIVISION 1

*General*

- B.01.001.** No person shall sell a package of food that is not labelled.
- B.01.002.** The provisions of B.01.001 do not apply to a person who packages food from bulk on the premises where the food is retailed; but where any such package of food bears any statement, mark, or device regarding the ingredients or the substances contained therein other than
- (a) the name of the food,
  - (b) the name and address of the retailer, and
  - (c) the net contents,
- it shall be labelled as required by the Act and these regulations.
- B.01.003.** Subject to these regulations no person shall sell any food unless the label of every package thereof carries, legibly and conspicuously,
- (a) on the main panel of both the inner and the outer labels
    - (i) the common name of the food,
    - (ii) a declaration by name of Class II, Class III, and Class IV preservative,
    - (iii) a declaration of any added colour, and
    - (iv) a declaration of added artificial, imitation, or fortified flavouring preparation, and
  - (b) on both the inner and the outer labels
    - (i) the name and address of the manufacturer, or of a person who is not the manufacturer provided such person can assume and does so assume the responsibilities of the manufacturer and indicates in conjunction with his name and address that he is not the manufacturer, and
    - (ii) in a food consisting of more than one ingredient, and for which a standard of quality is not prescribed and for which the permissible limits of variability are not fixed, a complete list of ingredients by their common names and in descending order of their respective proportions, and



**Food and Drugs Act—continued**

- (c) on the outer label a statement of the net contents as required by paragraph (f) of section seven of the Act, and, when the net contents are expressed by number, an accompanying statement of the net weight of the unit making up the number, except in the case of a food that is graded as to size and such grade size is stated.

**B.01.004.** Notwithstanding paragraph (ii) subsection (b) of B.01.003 a list of ingredients shall not be required for  
 bakery products,  
 carbonated beverages,  
 confectionery,  
 gelatine desserts, and  
 non-nutritive seasoning sauces,  
 unless any ingredient, not required by these regulations to be declared, is mentioned on the label or otherwise.

**B.01.005.** Except where the quantity of the contents marked on a package of food is stated in terms of minimum weight, measure, or number there shall be permitted from the stated quantity variations

- (a) due exclusively to weighing, measuring, or counting that occur in packaging conducted in compliance with good commercial practice and that shall be as often as much above as below the marked quantity,
- (b) due exclusively to differences in the capacity of containers, resulting solely from unavoidable difficulties in manufacturing, and no greater variation shall be permitted because of the design of the containers than is permitted in the case of containers of similar capacity that can be manufactured so as to be of approximately uniform capacity, and
- (c) in weight or measure that unavoidably result from the ordinary and customary exposure of the package to evaporation or to the absorption of water under normal atmospheric conditions.

**B.01.006.** No person shall sell a food as a compound unless

- (a) the word *compound* or the word *mixture* is an integral part of the name of such food and is not less legible or conspicuous upon any label or in any advertisement than the name of the predominating ingredient for which the compound is named, and
- (b) both the inner and the outer labels of every package of such food, except a compound flavouring preparation, carry, legibly and conspicuously,
  - (i) a declaration of the percentage proportion of the predominating ingredient, which proportion shall not be less than fifty-one per cent by weight, and
  - (ii) the names of the other ingredients.

**B.01.007.** No person shall sell a food as a substitute, or the like, unless

- (a) the word *substitute*, or the like, is an integral part of the name of such food and is not, upon any label or in any advertisement, less legible or conspicuous than the name of the food being substituted, and
- (b) both the inner and the outer labels of every package of such food carry, legibly and conspicuously, the common names of all the ingredients in descending order of their proportionate content.

**Food and Drugs Act—continued**

**B.01.008.** No person shall sell as a food any mineral oil, paraffin, or any product of these.

**B.01.009.** No person shall sell a food containing mineral oil, paraffin, or any product of these except that where any of these is required in the production of a food, and its use cannot be avoided by good manufacturing practice, such food may contain any of these in an amount not greater than 0.3 per cent.

**B.01.010.** No person shall make any reference, direct or indirect, to the Act or to these regulations upon any label of, or in any advertisement for, a food.

**B.01.011.** Where, on the label or otherwise, use is made of any term referring to any article of food, which term is the subject of definition or meaning established by any statute of the Parliament of Canada, or regulation made thereunder, such use shall be deemed to be a false, exaggerated, or misleading claim unless it conforms with such definition or meaning.

**DIVISION 2***Alcoholic Beverages*

**B.02.001.** The foods referred to in this DIVISION are included in the term *alcoholic beverage*.

**B.02.002.** In this DIVISION

- (a) "alcohol" means ethyl alcohol,
- (b) "absolute alcohol" means alcohol of a strength of 100 per cent,
- (c) "malt-wine" means an alcoholic distillate obtained by pot-still distillation from a mash of cereal grain or cereal grain products saccharified by the diastase of malt and fermented by the action of yeast,
- (d) "grain spirit" means an alcoholic distillate, obtained from a mash of cereal grain or cereal grain products saccharified by the diastase of malt or by other natural enzyme and fermented by the action of yeast, and from which all or nearly all of the naturally occurring substances other than alcohol and water have been removed,
- (e) "molasses spirit" means an alcoholic distillate, obtained from sugar-cane by-products fermented by the action of yeast, and from which all or nearly all of the naturally occurring substances other than alcohol and water have been removed,
- (f) "age" means the period during which an alcoholic beverage is kept under such conditions of storage as may be necessary to render it potable or to develop its characteristic flavour or bouquet,
- (g) "flavouring" means other domestic or imported spirits or wine as permitted by regulations made under the authority of the Excise Act,
- (h) "peat-dried malt" means barley malt that has been kilned over fires of peat with or without admixture of other fuels,
- (i) "small wood" means wood casks or barrels of a capacity not greater than 150 gallons.

**B.02.003.** Nothing in this DIVISION exempts any alcoholic beverage from the provisions of the Excise Act and regulations thereunder.

**Food and Drugs Act—continued**

**B.02.004.** No person shall sell a distilled alcoholic beverage that contains less than 39·94 per cent by volume of absolute alcohol unless the main panel of both the inner and the outer labels thereof carries, legibly and conspicuously, a declaration of the actual percentage by volume of absolute alcohol contained in such distilled alcoholic beverage.

**B.02.005.** Subject to these regulations, no person shall sell for consumption in Canada, whisky, rum or brandy until two years after date of its distillation.

*Whisky*

**B.02.010.** Whisky shall be a potable alcoholic distillate, obtained from a mash of cereal grain or cereal grain products saccharified by the diastase of malt or other natural enzyme fermented by the action of yeast, with or without the addition of flavouring, or caramel.

**B.02.011.** No person shall sell whisky for consumption in Canada that has not been aged, and held for a period of not less than 2 years in small wood.

**B.02.012.** Notwithstanding the provisions of B.02.011, for a period of 2 years from the first day of May, 1949, but not after, a person may sell, as meeting the requirements thereof, whisky that has not been held in small wood as therein required.

**B.02.013.** No person shall make any claim for the age of whisky other than for the period during which the whisky has been stored in small wood, but in the case of whisky that has been aged in small wood for not less than 2 years any period not exceeding 6 months during which the whisky is held in other containers may be claimed as age.

**B.02.014.** Malt whisky derived from peat-dried malt shall be whisky, obtained by the pot-still distillation of a mash of peat-dried malt fermented by the action of yeast, or a mixture of such whiskies, and shall possess the aroma, taste, and character generally attributed to malt whisky from peat-dried malt.

**B.02.015.** Malt whisky derived from other than peat-dried malt shall be whisky, obtained by the pot-still distillation of a mash consisting substantially of barley malt fermented by the action of yeast, or a mixture of such whiskies.

**B.02.016.** Grain whisky shall be whisky that has been distilled in such a manner as to retain some of the volatile congeneric substances produced during fermentation.

**B.02.017. Scotch Whisky** shall be whisky distilled in Great Britain as Scotch whisky in accordance with the laws of Great Britain for consumption therein.

**B.02.018.** No person shall blend or modify in any manner any Scotch whisky that is imported in bulk for the purpose of bottling and sale in Canada as Scotch whisky except by

- (a) blending with other Scotch whisky,
- (b) the addition of distilled or otherwise purified water to adjust to required strength, or
- (c) the addition of caramel.



**Food and Drugs Act—continued**

**B.02.019. Irish Whisky** shall be whisky distilled in Northern Ireland or Eire as Irish whisky in accordance with the laws of Northern Ireland or Eire for consumption therein.

**B.02.020.** No person shall blend or modify in any manner any Irish whisky that is imported in bulk for the purpose of bottling and sale in Canada as Irish whisky except by

- (a) blending with other Irish whisky,
- (b) the addition of distilled or otherwise purified water to adjust to required strength, or
- (c) the addition of caramel.

**B.02.021. Canadian Whisky (Canadian Rye Whisky, Rye Whisky)** shall be whisky distilled in Canada, and shall possess the aroma, taste, and character generally attributed to Canadian whisky.

**B.02.022.** Notwithstanding the provisions of B.02.021 any whisky in bond in Canada on the first day of May, 1949, that, except for the requirements as to distillation in Canada, complies with the provisions of B.02.021 shall, for a period of two years therefrom, be deemed to meet the requirements thereof.

**B.02.023. Highland Whisky** shall be whisky manufactured and blended in Canada and shall consist of a blend of

- (a) malt whisky from peat-dried malt that has been distilled in Canada or in Scotland, and
- (b) grain whisky

and shall contain not less than 25 per cent of such malt whisky at proof and if 51 per cent or more of the malt whisky so used is distilled in Scotland, the label of or advertisement for the Highland whisky may include a statement to the effect that it contains malt whisky distilled in Scotland.

*Rum*

**B.02.030. Rum** shall be a potable alcoholic distillate obtained from sugar-cane products fermented by the action of yeast or a mixture of yeast and other organisms, or a mixture of such distillates, with or without caramel, and may be flavoured with fruit or other botanical substances or flavouring.

**B.02.031.** No person shall sell for consumption in Canada rum that has not been aged, and held for a period of not less than 2 years in small wood.

**B.02.032.** Notwithstanding the provisions of B.02.005, until January 1, 1950, but not after, a person may sell as meeting the requirements thereof rum that was distilled less than two years previously as therein required, and notwithstanding the provisions of B.02.031, until the first day of May, 1951, but not after, a person may sell as meeting the requirements thereof rum that has not been held in small wood as therein required.

**B.02.033.** No person shall make any claim for the age of rum other than for the period during which the rum has been stored in small wood, but in the case of rum that has been aged in small wood for not less than 2 years any period not exceeding 6 months during which the rum is held in other containers may be claimed as age.

**Food and Drugs Act—Continued**

**B.02.034.** No person shall blend or modify in any manner any rum that is imported in bulk for the purpose of bottling and sale in Canada as imported rum except by

- (a) blending with other imported rum,
- (b) the addition of distilled or otherwise purified water to adjust to required strength, or
- (c) the addition of caramel.

*Gin*

**B.02.040. Hollands (Geneva, Genever, Dutch-type) Gin** shall be the potable alcoholic beverage obtained by

- (a) the redistillation of malt-wine with or over juniper berries with or without other aromatic botanical substances, or a combination of such redistillations, and that may be labelled or advertised as being *distilled*,
- (b) the redistillation of a combination of malt-wine and not more than four times its volume at proof of grain spirit with or over juniper berries with or without other aromatic botanical substances, or a combination of such redistillations, and that may be labelled or advertised as being *distilled*, or
- (c) the blending of malt-wine, distilled with or over juniper berries with or without other aromatic botanical substances, and not more than four times its volume at proof of grain or molasses spirit, or a combination of such blendings, and that shall be labelled and advertised, legibly and conspicuously, as *blended gin*.

**B.02.041. Gin**, other than Hollands gin, shall be the product obtained by the redistillation of suitably rectified grain spirit with or over juniper berries with or without other aromatic botanical substances, and with or without sugar.

**B.02.042. Dry Gin** shall be gin to which no sugar has been added.

**B.02.043.** No person shall make any claim for age for gin but gin that has been held in suitable containers may bear a label declaration to that effect.

*Brandy*

**B.02.050.** Brandy shall be the potable alcoholic distillate obtained by the distillation of wine in the manufacture of which no additional sugar has been used, or a mixture of such distillates.

**B.02.051.** No person shall sell brandy for consumption in Canada that has not been aged, and held for a period of not less than two years in small wood.

**B.02.052.** Notwithstanding the provisions of B.02.051, for a period of 2 years from the first day of May, 1949, but not after, a person may sell, as meeting the requirements thereof, brandy that has not been held in small wood as therein required.

**B.02.053.** No person shall make any claim for the age of brandy other than for the period during which it has been held in small wood.

**B.02.054.** Brandy shall be manufactured in accordance with the laws of the country of origin for consumption in that country and the label thereof shall clearly indicate such country of origin.

**Food and Drugs Act—continued**

**B.02.055. Cognac Brandy (Cognac)** shall be brandy manufactured in the Cognac district of France in accordance with the laws of the French Republic for consumption in that country.

**B.02.056. Armagnac Brandy (Armagnac)** shall be brandy manufactured in the Armagnac district of France in accordance with the laws of the French Republic for consumption in that country.

**B.02.057. Fruit Brandy, (naming the fruit) Brandy** shall be a potable alcoholic distillate obtained by the distillation of

- (a) fruit wine or a mixture of fruit wines,
- (b) a mixture of wine and fruit wine, or
- (c) a fermented mash of sound ripe fruit or mixture of fruits, or a mixture of such distillates.

**B.02.058.** No person shall blend or modify in any manner any brandy that is imported in bulk for the purpose of bottling and sale in Canada as imported brandy except by

- (a) blending with other imported brandy,
- (b) the addition of distilled or otherwise purified water to adjust to required strength, or
- (c) the addition of caramel.

*Liqueurs and Cordials*

**B.02.060.** Liqueurs and alcoholic cordials shall be products obtained by the mixing or distillation of grain spirit, brandy, or other distilled spirits with or over fruits, flowers, leaves or other botanical substances or their juices, or with extracts derived by infusion, percolation, or maceration of such botanical substances with or without natural or fortified flavouring preparation and colour, to which sucrose, or dextrose, or both have been added in an amount not less than 2.5 per cent by weight of the finished product.

*Wine*

**B.02.100. Wine** shall be the product of the alcoholic fermentation of the juice of the grape to which, during the course of manufacture, may be added one or more of

- (a) yeast,
- (b) concentrated grape juice,
- (c) sugar, dextrose, or invert sugar, or aqueous solutions of any of these,
- (d) yeast foods,
- (e) calcium sulphate in such quantity that the content of soluble sulphates in the finished wine shall not exceed 0.2 per cent, weight by volume, calculated as potassium sulphate,
- (f) calcium carbonate in such quantity that the content of tartaric acid in the finished wine shall not be less than 0.15 per cent, weight by volume,
- (g) sulphurous acid including salts thereof in such quantity that its content in the finished wine shall not exceed
  - (i) 70 parts per million in the free state, or
  - (ii) 350 parts per million in the combined state, calculated as sulphur dioxide,



**Food and Drugs Act—continued**

- (h) tartaric or citric acid,
- (i) pectic enzymes,
- (j) fining agent being isinglass, gelatin, white of egg, casein, albumen, clay, tannin, or edible dried blood that is the subject of a certificate under the Meat and Canned Foods Act,
- (k) caramel,
- (l) brandy, or wine spirit, or
- (m) carbon dioxide.

**B.02.101.** No person shall sell wine that contains more than 0.13 per cent, weight by volume, of volatile acid, calculated as acetic acid, as determined by the method employed by the Food and Drug Laboratories.

**B.02.102.** Wine spirit shall be the alcoholic distillate obtained from wine or from grape pomace.

**B.02.103. Fruit Wine, (naming the fruit) Wine** shall be the product of the alcoholic fermentation of the juice of sound ripe fruit other than grape.

**B.02.104. Vermouth** shall be wine to which has been added bitters, aromatics or other botanical substances, or flavouring preparations, and with or without

- (a) caramel,
- (b) sugar, dextrose, or invert sugar, or
- (c) brandy, or wine spirit

and shall contain not more than 20 per cent of absolute alcohol by volume.

**B.02.105. Wine Cocktail** shall be wine to which has been added flavouring preparation, and with or without

- (a) caramel,
- (b) sugar, dextrose, or invert sugar, or
- (c) brandy, or wine spirit

and shall contain not more than 20 per cent of absolute alcohol by volume.

*Cider*

**B.02.120. Cider** shall be the product of the alcoholic fermentation of apple juice, or of apple juice to which has been added not more than 10 per cent, weight by volume, of sugar, dextrose, or invert sugar, and shall contain not more than 7 per cent of absolute alcohol by volume, and 100 millilitres of cider measured at a temperature of 20° C shall

- (a) contain not less than 2 grams and not more than 12 grams of total solids,
- (b) contain not more than 8 grams of sugar calculated as reducing sugars, and
- (c) yield not less than 0.2 gram and not more than 0.4 gram of cider ash.

**Food and Drugs Act—continued**

**B.02.121. Sparkling Cider** shall be cider that is impregnated with carbon dioxide under pressure by

- (a) conducting the afterpart of the fermentation in closed vessels, or
- (b) secondary fermentation in closed vessels.

**B.02.122. Champagne Cider** shall be cider that is impregnated with carbon dioxide under pressure by

- (a) conducting the afterpart of the fermentation in closed vessels, or
- (b) secondary fermentation in closed vessels with or without the addition of sugar, dextrose, or invert sugar,

and shall contain not less than 7 per cent and not more than 13 per cent of absolute alcohol by volume and 100 millilitres of champagne cider measured at a temperature of 20° C shall yield not less than 0.2 gram and not more than 0.4 gram of cider ash.

**B.02.123.** No person shall sell cider or champagne cider that has more than 0.2 per cent, weight by volume, of volatile acidity, calculated as acetic acid, as determined by the method employed by the Food and Drug Laboratories.

**Malt Liquors**

**B.02.130.** Malt liquor shall be the alcoholic beverage made by the alcoholic fermentation of an infusion, in potable water, of barley malt and hops that may also contain other malted cereal grain and starchy or saccharine matter, and with or without subsequent pasteurization.

**B.02.131. Ale** shall be malt liquor brewed in such a manner as to possess the aroma, taste, and character commonly attributed to ale, and shall contain not less than 3.2 per cent of absolute alcohol by weight, and 100 millilitres of ale measured at a temperature of 20° C shall contain not less than 3.5 grams of extractive matter and yield not less than 0.12 gram of ash.

**B.02.132. Beer** shall be malt liquor brewed in such a manner as to possess the aroma, taste, and character commonly attributed to beer, and shall contain not less than 3.2 per cent of absolute alcohol by weight, and 100 millilitres of beer measured at a temperature of 20° C shall contain not less than 3.5 grams of extractive matter and yield not less than 0.12 gram of ash.

**B.02.133. Light Beer** shall be beer that contains not more than 2.0 per cent of absolute alcohol by weight, and 100 millilitres of light beer measured at a temperature of 20° C may yield less than 0.12 gram of ash.

**B.02.134. Stout** shall be malt liquor brewed in such a manner as to possess the aroma, taste, and character commonly attributed to stout and to a marked degree the flavour of hops, and shall contain not less than 3.2 per cent of absolute alcohol by weight, and 100 millilitres of stout measured at a temperature of 20° C shall contain not less than 5.0 grams of extractive matter and yield not less than 0.15 gram of ash.

**B.02.135. Porter** shall be malt liquor brewed in the manner used in the brewing of stout so as to possess the aroma, taste, and character commonly attributed to porter but having in comparison with stout a

**Food and Drugs Act—continued**

less marked flavour of hops, and shall contain not less than 3.2 per cent of absolute alcohol by weight, and 100 millilitres of porter measured at a temperature of 20° C shall contain not less than 4.0 grams of extractive matter and yield not less than 0.13 gram of ash.

**DIVISION 3**

*Baking Powder*

**B.03.001. Baking Powder** means a combination capable, under conditions of baking, of yielding carbon dioxide, and consists of sodium bicarbonate, an acid-reacting material, and starch or other neutral material.

**B.03.002.** The acid-reacting material of baking powder shall be

- (a) tartaric acid or its salts, or both,
- (b) acid salts of phosphoric acids,
- (c) acid compounds of aluminium, or
- (d) any combination of the foregoing.

**B.03.003.** When tested by the method employed by the Food and Drug Laboratories, baking powder shall yield not less than 10 per cent of its weight of carbon dioxide.

**B.03.004. Cream of Tartar** is the acid salt obtained from the crude tartar deposited during the fermentation of grape juice, and shall contain not less than 88 per cent of potassium bitartrate.

**DIVISION 4**

*Cacao Products*

**B.04.001.** The foods referred to in this DIVISION are included within the term *cacao product*.

**B.04.002.** Cacao products may be processed with alkaline oxides, carbonates, or bicarbonates.

**B.04.003.** No person shall sell a cacao product that is processed with alkaline oxides, carbonates, or bicarbonates unless

- (a) both the inner and the outer labels of every package of such cacao product carry, legibly and conspicuously, immediately preceding or following the name of the cacao product, and without intervening written, printed, or graphic matter, the phrase "Processed with Alkali", or the phrase "Alkali Treated"; and
- (b) the total weight of such processing agents used with each one hundred parts by weight of such cacao product is not greater in neutralizing value, calculated from the respective combining weights of such processing agents, than the neutralizing value of three parts by weight of potassium carbonate.

**B.04.004.** The ash limits provided for cacao products in this DIVISION may be increased for cacao products processed with alkali as provided in B.04.003 by the amount of ash from the processing agent used.

**B.04.005.** No person shall sell a cacao product to which spices, other flavouring material, or emulsifier have been added unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the additions.



**Food and Drugs Act—continued**

**B.04.006. Cacao Beans (Cocoa Beans)** are the seeds of *Theobroma cacao* L., or closely related species.

**B.04.007. Cacao Nibs (Cocoa Nibs, Cracked Cocoa)** shall be the food prepared by heating and cracking dried or cured and cleaned cacao beans and removing the shell therefrom.

**B.04.008. Chocolate (Plain Chocolate, Bitter Chocolate, Chocolate Liquor)** shall be the mass obtained by grinding cacao nibs, and shall contain not less than 50 per cent of cacao butter, and on the dry and fat-free basis not more than

- (a) 7 per cent of crude fibre,
- (b) 8 per cent of total ash, and
- (c) 0.4 per cent of ash insoluble in hydrochloric acid.

**B.04.009. Sweet Chocolate (Sweet Chocolate Coating)** shall be chocolate mixed with sugar or with a combination of not less than 75 per cent by weight of sugar and not more than 25 per cent by weight of dextrose, and with or without the addition of cacao butter, spices, other flavouring material, or of not more than 0.5 per cent by weight, of the finished product, of emulsifier; and shall contain on the dry, sugar-free, and fat-free basis no greater proportion of crude fibre, total ash, or ash insoluble in hydrochloric acid respectively than does chocolate on the dry, fat-free basis.

**B.04.010. Milk Chocolate (Sweet Milk Chocolate, Milk Chocolate Coating, Sweet Milk Chocolate Coating)** shall be the cacao product obtained from chocolate by grinding with sugar or with a combination of not less than 75 per cent by weight of sugar and not more than 25 per cent by weight of dextrose, and with or without the addition of cacao butter, spices, other flavouring material, or of not more than 0.5 per cent by weight, of the finished product, of emulsifier, and shall contain in the finished product not less than 12 per cent of milk solids which shall be in proportions that are normal to whole milk.

**B.04.011. Cocoa (Powdered Cocoa)** shall be chocolate from which part of the cacao butter has been removed, and shall contain on the dry, fat-free basis no greater proportion of crude fibre, total ash, or ash insoluble in hydrochloric acid respectively than does chocolate on the dry, fat-free basis, and where cocoa contains

- (a) 22 per cent or more of cacao butter it may be designated **Break-fast Cocoa**, and
- (b) less than 10 per cent of cacao butter it shall be designated **Low Fat Cocoa**.

**DIVISION 5****Coffee**

**B.05.001. Green Coffee (Raw Coffee, Unroasted Coffee)** is the seed of *Coffea arabica* L., *C. liberica* Hiern, or *C. robusta* Chev., freed from all but a small portion of its spermoderm.

**B.05.002. Roasted Coffee (Coffee)** shall be roasted green coffee, and shall contain

- (a) not less than 10 per cent of fat,
- (b) not more than 1 per cent of sugars, and
- (c) not more than 6 per cent of total ash.

**Food and Drugs Act**—*continued*

**B.05.003.** **Decaffeinated Coffee** shall be coffee from which a large proportion of the caffeine has been removed.

**B.05.004.** No person shall sell decaffeinated coffee unless

- (a) the percentage removal of caffeine is clearly stated upon the label, and
- (b) the finished product contains no ingredient other than those normally present in coffee.

DIVISION 6

*Food Colours*

**B.06.001.** No person shall use any colours in or upon food other than those prescribed in this DIVISION.

**B.06.002.** The proportion of coal tar dye in or upon a food shall not exceed one part by weight in thirty-five hundred parts by weight of the food.

**B.06.003.** Notwithstanding sub-paragraph (iii) of paragraph (a) of B.01.003, colour may be used without label declaration in or upon

butter,  
whole milk cheese,  
honey ice cream,  
ice cream,  
sherbet,  
bakery products,  
smoked fish,  
icing sugar,  
gelatine desserts, and  
candy.

**B.06.004.** Notwithstanding sub-paragraph (iii) of paragraph (a) of B.01.003 caramel may be used without label declaration to colour

spirituous liquors, except gin,  
non-excisable fermented beverages,  
soft drinks,  
sauces, and  
vinegar, except spirit vinegar or blends containing spirit vinegar.

**B.06.005.** Subject to the Act or these regulations the following colours may be used in or upon food

- (a) natural colours, being cochineal and vegetable colour extractives,
- (b) artificial colours, being caramel and specially purified vegetable and sugar charcoals, and
- (c) coal tar dyes, being

**Amaranth**, the trisodium salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-3, 6-disulphonic acid;

**Ponceau 3R**, the disodium salt of 1-pseudocumylazo-2-naphthol-3, 6-disulphonic acid, the boiling range of the crude pseudocumidine obtained by reduction of which shall be between 220° C and 245° C;

**Erythrosine**, the disodium salt of 9-*o*-carboxyphenyl-6-hydroxy-2, 4,5,7-tetraiodo-3-isoxanthone;

**Food and Drugs Act—continued**

**Ponceau SX**, the disodium salt of 2-(5-sulpho-2, 4-xylylazo)-1-naphthol-4-sulphonic acid;

**Oil Red XO**, 1-xylylazo-2-naphthol, of which the xyldine obtained by its reduction shall contain not more than 30·0 per cent of *m*-xyldine, and 95 per cent of such xyldine shall distil between 212° C and 232° C;

**Orange I**, the monosodium salt of 4-*p*-sulphophenylazo-1-naphthol;

**Orange SS**, 1-*o*-tolylazo-2-naphthol;

**Naphthol Yellow S**, the disodium or dipotassium salt of 2, 4-dinitro-1-naphthol-7-sulphonic acid, that shall not contain more than 0·03 per cent of Martius Yellow;

**Oil Yellow AB**, 1-phenylazo-2-naphthylamine;

**Oil Yellow OB**, 1-*o*-tolylazo-2-naphthylamine;

**Tartrazine**, the trisodium salt of 3-carboxy-5-hydroxy-1-*p*-sulphophenyl-4-*p*-sulphophenylazopyrazole;

**Sunset Yellow FCF**, the disodium salt of 1-*p*-sulphophenylazo-2-naphthol-6-sulphonic acid;

**Light Green SF Yellowish**, the disodium salt of 4-{[4-(N-ethyl-*p*-sulphobenzylamino)-phenyl] - (4-sulphoniumphenyl)-methylene} - [1-(N-ethyl-N-*p*-sulphobenzyl)- $\Delta^{2,5}$ -cyclohexadienimine];

**Guinea Green B**, the monosodium salt of 4-[4-(N-ethyl-*p*-sulphobenzylamino)-diphenyl-methylene] - [1-(N-ethyl-N-*p*-sulphoniumbenzyl)- $\Delta^{2,5}$ -cyclohexadienimine];

**Fast Green FCF**, the disodium salt of 4-{[4-(N-ethyl-*p*-sulphobenzylamino)-phenyl] - (4-hydroxy-2-sulphoniumphenyl)-methylene} - [1-(N-ethyl-N-*p*-sulphobenzyl)- $\Delta^{2,5}$ -cyclohexadienimine];

**Indigotine**, the disodium salt of indigotine-5,5'-disulphonic acid;

**Brilliant Blue FCF**, the disodium salt of 4-{[4-(N-ethyl-*p*-sulphobenzylamino) - phenyl] - (2-sulphoniumphenyl) - methylene} - [1-(N-ethyl-N-*p*-sulphobenzyl)- $\Delta^{2,5}$ -cyclohexadienimine].

**B.06.006.** A coal tar dye shall be manufactured in specially pure form for use in food and shall not contain

- (a) intermediates or subsidiary dyes in amounts greater than is consistent with good manufacturing practice,
- (b) a less content of pure dye than is consistent with good manufacturing practice,
- (c) arsenic, calculated as arsenic trioxide, in excess of 2 parts per million,
- (d) lead, calculated as lead, in excess of 10 parts per million, and
- (e) other heavy metals, determined by precipitation as sulphides, in excess of 100 parts per million.

**B.06.007.** No person shall sell a coal tar dye or a preparation of a coal tar dye unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the identifying batch number of each batch of the dye, and
- (b) a statement of the percentage content of total coal tar dye in the case of a preparation of a coal tar dye.



**Food and Drugs Act—continued**

DIVISION 7

*Spices, Condiments, Dressings*

**B.07.001. Cloves**, whole or ground, are the dried flower buds of the clove plant, and shall not contain more than

- (a) 5 per cent of clove stems,
- (b) 8 per cent of total ash,
- (c) 0.5 per cent of ash insoluble in hydrochloric acid, and
- (d) 10 per cent of crude fibre,

and shall contain not less than 15 per cent of volatile ether extract.

**B.07.002. Ginger**, whole or ground, is the washed and dried or decorticated and dried rhizome of the ginger plant, and shall not contain more than 10 per cent of moisture, and, on the dry basis, shall contain not less than

- (a) 45 per cent of ginger starch,
- (b) 13.3 per cent of cold water extractive as determined by the method employed by the Food and Drug Laboratories, and
- (c) 2 per cent of ash soluble in water,

and shall not contain more than

- (d) 9 per cent of crude fibre,
- (e) 1 per cent of calcium, calculated as CaO,
- (f) 7.5 per cent of total ash, and
- (g) 2 per cent of ash insoluble in hydrochloric acid.

**B.07.003. Jamaica Ginger**, whole or ground, is ginger grown in Jamaica, and shall conform to the standard prescribed by B.07.002 except that it shall contain, on the dry basis, not less than 16.6 per cent of cold water extractive as determined by the method employed by the Food and Drug Laboratories.

**B.07.004. Limed Ginger (Bleached Ginger)**, whole or ground, shall be ginger coated with calcium carbonate and shall conform to the standard prescribed by B.07.002 except that it shall contain not more than

- (a) 2 per cent of calcium, calculated as CaO, and
- (b) 11 per cent of total ash.

**B.07.005. Mustard (Mustard Flour, Ground Mustard)** is the powder made from mustard seed with the hulls largely removed and with or without the removal of a portion of the fixed oil, and shall contain not more than

- (a) 1.5 per cent of mustard starch, and
- (b) 6 per cent of total ash,

and shall yield not less than 0.35 per cent of volatile mustard oil as determined by the method employed by the Food and Drug Laboratories.

**B.07.006. Allspice (Pimento)**, whole or ground, is the dried, nearly ripe fruit of the pimento tree, and shall contain not less than 8 per cent of quercitanic acid, calculated from the total oxygen absorbed by the aqueous extract, and not more than

- (a) 25 per cent of crude fibre,
- (b) 6 per cent of total ash, and
- (c) 0.4 per cent of ash insoluble in hydrochloric acid.

**Food and Drugs Act—continued**

- B.07.007. Cinnamon (Cassia)**, whole or ground, is the dried bark of cultivated varieties of *Cinnamomum zeylanicum* Nees, or *C. cassia* L., from which the outer layers may or may not have been removed, and shall not contain more than
- (a) 5 per cent of ash, and
  - (b) 2 per cent of ash insoluble in hydrochloric acid.
- B.07.008. Ceylon Cinnamon**, whole or ground, is cinnamon obtained exclusively from *Cinnamomum zeylanicum* Nees.
- B.07.009. Mace**, whole or ground, is the dried arillus of *Myristica fragrans* Houttyn and shall not contain more than
- (a) 7 per cent of crude fibre,
  - (b) 3 per cent of total ash, and
  - (c) 0.5 per cent of ash insoluble in hydrochloric acid,
- and the ethyl ether extract, obtained after extraction of mace with petroleic ether, shall not exceed 5 per cent and the sum of the extracts with petroleic ether and ethyl ether shall not exceed 33 per cent.
- B.07.010. Nutmeg**, whole or ground, is the dried seed of *Myristica fragrans* Houttyn with or without a thin coating of lime, and shall contain
- (a) not less than 25 per cent of non-volatile ether extract,
  - (b) not more than 5 per cent of total ash, and
  - (c) not more than 0.5 per cent of ash insoluble in hydrochloric acid.
- B.07.011. Black Pepper (Peppercorn)**, whole or ground, is the dried, immature berry of the pepper plant, and shall contain not less than
- (a) 6.75 per cent of non-volatile ether extract, and
  - (b) 30 per cent of pepper starch,
- and shall not contain more than
- (c) 7 per cent of total ash, and
  - (d) 1.5 per cent of ash insoluble in hydrochloric acid.
- B.07.012.** Ground black pepper shall contain the several parts of the berry in their normal proportions.
- B.07.013. White Pepper**, whole or ground, shall be the dried, mature berry of the pepper plant from which the outer coating, or the outer and inner coatings are removed, and shall contain not less than
- (a) 7 per cent of non-volatile ether extract, and
  - (b) 52 per cent of pepper starch,
- and shall not contain more than
- (c) 5 per cent of crude fibre,
  - (d) 3.5 per cent of total ash, and
  - (e) 0.3 per cent of ash insoluble in hydrochloric acid.
- B.07.014. Cayenne Pepper (Cayenne)**, whole or ground, is the dried, ripe fruit of *Capsicum frutescens* L., *Capsicum baccatum* L., or some other small-fruited species of *Capsicum*, and shall not contain more than

**Food and Drugs Act—continued**

- (a) 1·5 per cent of cayenne starch,
  - (b) 28 per cent of crude fibre,
  - (c) 8 per cent of total ash, and
  - (d) 1·25 per cent of ash insoluble in hydrochloric acid,
- and shall contain not less than 15 per cent of non-volatile ether extract.

**B.07.015. Paprika**, whole or ground, is the dried, ripe fruit of *Capsicum annuum* L., and shall not contain more than

- (a) 18 per cent of non-volatile ether extract,
  - (b) 23 per cent of crude fibre,
  - (c) 8·5 per cent of total ash, and
  - (d) 1 per cent of ash insoluble in hydrochloric acid,
- and the iodine number (Hanus) of the extracted oil shall be not less than 125 and not more than 136.

**B.07.016. Turmeric**, whole or ground, is the dried rhizome of *Curcuma longa* L.

**B.07.017. Sage**, whole or ground, is the dried leaves of the sage plant, and shall not contain more than 12 per cent of stems, excluding petioles, and other foreign material.

**B.07.018. Thyme**, whole or ground, is the dried leaves and flowering tops of the thyme plant, and shall not contain more than

- (a) 12 per cent of total ash, and
- (b) 4 per cent of ash insoluble in hydrochloric acid.

**B.07.019. Caraway Seed** is the dried fruit of the caraway plant, and shall not contain more than

- (a) 8 per cent of total ash, and
- (b) 1·5 per cent of ash insoluble in hydrochloric acid.

**B.07.020. Cardamom Seed** is the dried seed of cardamom, and shall not contain more than

- (a) 8 per cent of total ash, and
- (b) 3 per cent of ash insoluble in hydrochloric acid.

**B.07.021. Celery Seed** is the dried fruit of the celery plant, and shall not contain more than

- (a) 10 per cent of total ash, and
- (b) 2 per cent of ash insoluble in hydrochloric acid.

**B.07.022. Coriander Seed** is the dried fruit of the coriander plant, and shall not contain more than

- (a) 7 per cent of total ash, and
- (b) 1·5 per cent of ash insoluble in hydrochloric acid.

**B.07.023 Dill Seed** is the dried fruit of the dill plant, and shall not contain more than

- (a) 10 per cent of total ash, and
- (b) 3 per cent of ash insoluble in hydrochloric acid.



**Food and Drugs Act—continued**

**B.07.024. Mustard Seed** is the seed of *Sinapis alba* L., *Brassica nigra* (L.) Koch, *B. juncea* (L.) Cosson, or varieties or closely related species of the types of *B. nigra* and *B. juncea*, and shall not contain more than

(a) 5 per cent of total ash, and

(b) 1.5 per cent of ash insoluble in hydrochloric acid.

**B.07.025. Marjoram**, whole or ground, is the dried leaves with or without a small proportion of the flowering tops of the marjoram plant, and shall not contain more than

(a) 10 per cent of stems and foreign material,

(b) 16 per cent of total ash, and

(c) 4.5 per cent of ash insoluble in hydrochloric acid.

**B.07.026. Pastry Spice** shall be any combination of spices.

**B.07.027. Poultry Dressing** shall be any combination of spices, seasoning seeds, flavouring herbs, fresh or dehydrated garlic, and fresh or dehydrated onions.

**B.07.028. Curry Powder** shall be any combination of turmeric with spices and seasoning, and shall not contain more than 5 per cent of salt.

**B.07.029. Pickling Spice**, whole or ground, shall be any combination of spices, seasoning seeds, and flavouring herbs.

**B.07.030. Onion Salt** shall be a combination of powdered onion and salt, with or without not more than 1 per cent of magnesium carbonate, and shall not contain more than 75 per cent of salt.

**B.07.031. Garlic Salt** shall be a combination of powdered garlic and salt, with or without not more than 1 per cent of magnesium carbonate, and shall not contain more than 75 per cent of salt.

**B.07.032. Celery Salt** shall be a combination of ground celery seed, or ground dehydrated celery, and salt, and shall not contain more than 75 per cent of salt.

**B.07.033. Celery Pepper** shall be a combination of ground celery seed, or ground, dehydrated celery, and ground, black pepper and shall not contain more than 70 per cent of ground, black pepper.

**B.07.034. Mayonnaise (Mayonnaise Dressing, Mayonnaise Salad Dressing)** shall be a combination of

(a) vegetable oil,

(b) liquid or frozen whole eggs, or egg yolks with or without liquid or frozen egg whites, and

(c) vinegar, or lemon juice,

and with or without

(d) water,

(e) salt,

**Food and Drugs Act—continued**

- (f) sweetening agent,
  - (g) spice, or other seasoning, or
  - (h) citric, tartaric, or lactic acid,
- and shall contain, by weight, not less than 65 per cent of vegetable oil.

**B.07.035. French Dressing** shall be a combination of

- (a) vegetable oil, and
  - (b) vinegar, or lemon juice,
- and with or without
- (c) water,
  - (d) salt,
  - (e) sweetening agent,
  - (f) spice, or other seasoning,
  - (g) emulsifying agent, or
  - (h) citric, tartaric, or lactic acid,

and shall contain, by weight, not less than 35 per cent of vegetable oil.

**B.07.036.** No person shall sell French dressing that contains an emulsifying agent unless both the inner and the outer labels of every package of such French dressing carry, legibly and conspicuously, a declaration of the presence of such emulsifying agent.

**B.07.037. Salad Dressing** shall be a combination of

- (a) vegetable oil,
  - (b) liquid or frozen whole eggs, or egg yolks with or without liquid or frozen egg whites, and
  - (c) vinegar, or lemon juice,
- and with or without
- (d) water,
  - (e) salt,
  - (f) sweetening agent,
  - (g) spice, or other seasoning,
  - (h) cereal,
  - (i) emulsifying agent, or
  - (j) citric, tartaric, or lactic acid,

and shall contain, by weight, not less than 35 per cent of vegetable oil.

**B.07.038.** No person shall sell salad dressing that contains

- (a) emulsifying agent, or
- (b) cereal,

unless both the inner and the outer labels of every package of such salad dressing carry, legibly and conspicuously, a declaration of the presence of such emulsifying agent, or cereal, or both if both are present.

**B.07.039.** No person shall sell mayonnaise, French dressing, or salad dressing that contains turmeric or saffron.

**Food and Drugs Act—continued****DIVISION 8***Dairy Products*

**B.08.001.** The foods referred to in this Division are included within the term *dairy product*.

**B.08.002.** Milk, in whatever form, that has any of its fat removed shall conform to the standard for the respective form of milk except as regards the milk fat content, and on any label and in any advertisement for such milk the word *skimmed* or the word *skim* shall accompany the word *milk* in identical type and in immediate conjunction therewith.

**B.08.003. Sterilized Milk** shall be milk that has been heated without concentration or appreciable loss of volume to a temperature of at least 100° C for a length of time sufficient to kill all the organisms present, and shall be delivered to the consumer in a sterile condition, and shall contain not less than

- (a) 3·25 per cent of milk fat, and
- (b) 11·75 per cent of total milk solids.

**B.08.004.** No person shall sell sterilized milk unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "This milk is not a concentrated product, but has only the food value of normal milk".

**B.08.005. Homogenized Milk** is milk that has been subjected to a mechanical treatment that prevents separation of the milk fat.

**B.08.006. (naming the flavour) Flavoured Milk** shall be made from

- (a) milk or milk powder,
- (b) flavouring preparation, and
- (c) sweetening agent,

and with or without food colour, stabilizer, or salt, and shall contain not less than 3·25 per cent of milk fat.

**B.08.007. (naming the flavour) Flavoured Skim Milk** shall be made from

- (a) skim milk or skim milk powder,
- (b) flavouring preparation, and
- (c) sweetening agent,

and with or without food colour, stabilizer, or salt.

**B.08.008.** No person shall sell (naming the flavour) flavoured milk or (naming the flavour) flavoured skim milk that contains more than 50,000 bacteria per cubic centimetre as determined by the method employed by the Laboratory of Hygiene.

**B.08.009. Condensed Milk (Sweetened Condensed Milk)** shall be milk from which water has been evaporated and to which sugar, or dextrose, or both, have been added and shall contain by weight, all tolerances being allowed for, not less than

- (a) 28 per cent of milk solids, and
- (b) 8 per cent of milk fat.



**Food and Drugs Act—continued**

**B.08.010. Evaporated Milk (Unsweetened Condensed Milk)** shall be milk from which water has been evaporated, with or without disodium phosphate, or sodium citrate, or both, added in a total quantity of not more than 0·1 per cent by weight of the finished product, and shall contain by weight, all tolerances being allowed for, not less than

- (a) 25·5 per cent of milk solids, and
- (b) 7·8 per cent of milk fat.

**B.08.011.** No person shall sell any milk from which water has been evaporated that is not condensed milk or evaporated milk unless both the inner and the outer labels of every package of such milk carry, legibly and conspicuously,

- (a) the name **Sub-standard Concentrated Milk**, and
- (b) a statement of the percentage content by weight of
  - (i) milk fat, and
  - (ii) milk solids.

**B.08.012. Dry Whole Milk (Milk Powder, Powdered Milk, Powdered Whole Milk)** shall contain not less than

- (a) 95 per cent of milk solids, and
- (b) 26 per cent of milk fat.

**B.08.013. Dry Skim Milk (Skim Milk Powder, Powdered Skim Milk)** shall contain not less than 95 per cent of milk solids.

**B.08.014. Malted Milk** shall be made by combining whole milk with the liquid separated from a mash of ground barley malt and meal, with or without the addition of salt, sodium bicarbonate, or potassium bicarbonate, in such a manner as to secure the full enzyme action of the malt extract, and by removing water, and shall contain

- (a) not less than 7·5 per cent of milk fat, and
- (b) not more than 3·5 per cent of moisture.

**B.08.015. (naming the flavour) Malted Milk** shall be malted milk containing a flavouring preparation.

**B.08.016. Cheese** shall be made by coagulating the casein of milk with or without further treatment, and with or without the addition of proportionately small amounts of other ingredients such as ripening ferments, special moulds, salt, seasoning, or food colour.

**B.08.017.** No person shall sell cheese made in whole or in part from milk other than cow's milk unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the source of the milk.

**B.08.018. Cheddar Cheese** shall be cheese made by the Cheddar process from heated and pressed curd obtained by the action of rennet on whole milk.

**B.08.019.** For the purpose of this Division hard pressed cheese includes cheddar cheese, and is made from raw or pasteurized milk.

**B.08.020.** No person shall sell any hard pressed cheese unless the date such cheese was put into press was within 24 hours of its removal therefrom correctly and distinctly marked or branded thereon.

**Food and Drugs Act—continued**

- B.08.021.** No person shall sell to a retailer or a consumer any hard pressed cheese unless it has been stored without cutting for a period of 90 days after the date marked or branded upon it at a temperature of not less than 58°F for the first 10 days of such period, and at a temperature of not less than 45°F for the succeeding 80 days.
- B.08.022.** Notwithstanding the provisions of B.08.021 any hard pressed cheese may be sold in quantities of not less than 900 pounds to a retailer who possesses adequate facilities to store such cheese in the manner prescribed by B.08.021, and such retailer shall store such cheese in the manner prescribed by B.08.021, and shall notify the Department in writing of the date of every purchase of such cheese within 7 days thereof, and of the name and address of the seller.
- B.08.023.** The seller of any hard pressed cheese to a retailer under the terms of B.08.022 shall notify the Department in writing of the date of every sale of such cheese within 7 days thereof, and of the name and address of the purchaser.
- B.08.024.** The provisions of B.08.021, B.08.022, and B.08.023 do not apply to hard pressed cheese used as an ingredient in any food that is so manufactured or processed as to pasteurize such cheese.
- B.08.025. Cream Cheese** shall be the soft cheese obtained by the action of lactic fermentation, or rennet, or both, on cream or on milk to which cream has been added, the curd, heated or unheated, salted or unsalted, being drained by gravity and light pressure, and shall contain
- (a) not more than 55 per cent of moisture, and
  - (b) on the dry basis, not less than 65 per cent of milk fat.
- B.08.026. Skim Milk Cheese** shall be cheese that
- (a) contains on the dry basis less than 48 per cent of milk fat, or
  - (b) is made
    - (i) from or by the use of skim milk,
    - (ii) from milk from which any fat has been removed, or
    - (iii) from milk to which skim milk has been added.
- B.08.027. Process Cheese (Emulsified Cheese)** shall be cheese produced by comminuting or mixing one or more lots of cheese with the aid of heat and emulsifying agents into a homogeneous mass, with or without
- (a) water,
  - (b) solids derived from milk,
  - (c) food colour,
  - (d) seasoning, relishes, condiments, or
  - (e) Class III preservative,
- and shall not contain any fat or oil other than milk fat, and the finished product shall contain if manufactured from
- (f) a Cheddar or hard cheese base
    - (i) not more than 43 per cent of moisture, and
    - (ii) on the dry basis, not less than 48 per cent of milk fat, or
  - (g) a cream cheese base and without the use of seasoning, relishes, or condiments
    - (i) not more than 55 per cent of moisture, and
    - (ii) on the dry basis, not less than 65 per cent of milk fat, or

**Food and Drugs Act—continued**

- (h) a cream cheese base with the use of seasoning, relishes, or condiments
  - (i) not more than 60 per cent of moisture, and
  - (ii) on the dry basis, not less than 50 per cent of milk fat.

**B.08.028. Skim Milk Process Cheese (Skim Milk Emulsified Cheese)** shall be process cheese except that on the dry basis it shall contain

- (a) less than 48 per cent of milk fat, and
- (b) not more than 43 per cent of moisture.

**B.08.029. Whey** is the product remaining when, in the process of cheese-making, the fat and casein have been removed from milk.

**B.08.030. Milk Fat (Butter Fat)** is the fat of cow's milk and shall have

- (a) a specific gravity of not less than 0.905 at a temperature of 40°C,
- (b) a Reichert-Meissl number of not less than 24, and
- (c) a Polenske number of not more than 3.5,

and where the Polenske number exceeds 10 per cent of the Reichert-Meissl number there shall be deemed to have been an addition to the milk fat of fat other than that of cow's milk.

**B.08.031. Butter** shall be made from milk or cream by gathering the fat thereof into a mass that also contains a small portion of the other milk constituents, with or without salt or food colour, and shall contain

- (a) not less than 80 per cent of milk fat, and
- (b) not more than 16 per cent of moisture.

**B.08.032. Whey Butter** shall be butter made from milk fat that has been recovered from whey.

**B.08.033. Ice Cream** shall be the frozen food made with cream, milk or other milk products, sweetened with sugar, invert sugar, honey, or a combination of not less than 75 per cent by weight of sugar or invert sugar and not more than 25 per cent by weight of dextrose or glucose, and with or without

- (a) egg,
- (b) flavouring preparation,
- (c) fruit,
- (d) nuts, or
- (e) not more than 0.5 per cent by weight of the finished product of stabilizer,

and shall contain not less than

- (f) 36 per cent by weight of solids,
- (g) 13 per cent by weight of milk fat except where the ice cream contains fruit, or nuts, or both, when the content of milk fat may be proportionately reduced but not to less than 11 per cent by weight, and
- (h) 1.9 pounds of solids per gallon of which amount not less than 0.65 pound shall be milk fat except where the ice cream contains fruit, or nuts, or both, when the content of milk fat may be proportionately reduced but not less than 0.55 pound per gallon,

and shall not contain more than 100,000 bacteria per gram when examined by the method employed by the Laboratory of Hygiene.



**Food and Drugs Act—continued**

**B.08.034. Honey Ice Cream** shall be ice cream in which honey is the only sweetening agent and food flavour used.

**B.08.035. Ice Cream Mix** shall be the pasteurized combination of ingredients from which ice cream is made by freezing, and shall contain not less than

- (a) 36 per cent by weight of solids, and
- (b) 13 per cent by weight of milk fat except where the ice cream mix contains fruit, or nuts, or both, when the content of milk fat may be proportionately reduced but not to less than 11 per cent by weight,

and where stabilizer is used it shall not exceed 0.5 per cent by weight of the finished product.

**B.08.036. Sherbet** shall be the frozen food other than ice cream made from a milk product, with or without

- (a) water,
- (b) sweetening agent,
- (c) fruit, or fruit juice,
- (d) flavouring preparation,
- (e) food colour, or
- (f) not more than 0.75 per cent by weight of the finished product of stabilizer,

and shall contain

- (g) not more than 5 per cent by weight of milk solids, including milk fat, and
- (h) not less than 0.35 per cent of acid determined by titration and expressed as lactic acid.

**DIVISION 9****Fats and Oils**

**B.09.001.** Vegetable fats and oils shall be obtained entirely from the botanical source after which they are named, and shall be prepared or processed so as to be dry and sweet in flavour and odour.

**B.09.002.** Animal fats and oils shall be obtained entirely from animals in good health at the time of slaughter and shall be prepared or processed so as to be dry and sweet in flavour and odour.

**B.09.003. Olive Oil (Sweet Oil)** is the oil of the fruit of the olive tree, and shall have

- (a) a specific gravity (20°C/20°C) of not less than 0.9120 and not more than 0.9176,
- (b) a refractive index (20°C) of not less than 1.4684 and not more than 1.4702,
- (c) a Maumené number of not less than 42 and not more than 52,
- (d) an iodine value (Hanus) of not less than 77 and not more than 94,
- (e) a saponification value of not less than 185.0 and not more than 195.0, and
- (f) an acid value of not more than 7.

**Food and Drugs Act—continued**

**B.09.004. Cotton Seed Oil** is the oil of the seeds of the cotton plant and shall have

- (a) a specific gravity (20°C/20°C) of not less than 0.9190 and not more than 0.9280,
- (b) a refractive index (20°C) of not less than 1.4718 and not more than 1.4743, and
- (c) an iodine value (Hanus) of not less than 100 and not more than 116.

**B.09.005. Cacao Butter (Cocoa Butter)** is the fat from sound cacao beans, obtained either before or after roasting, and shall have

- (a) a refractive index (40°C) of not less than 1.4537 and not more than 1.4585,
- (b) a saponification value of not less than 188 and not more than 202,
- (c) an iodine value (Hanus) of not less than 32 and not more than 41, and
- (d) an acid value of not more than 5.

**B.09.006. Corn Oil (Maize Oil)** is the oil of the germ of Indian corn and shall have

- (a) a specific gravity (20°C/20°C) of not less than 0.9180 and not more than 0.9240,
- (b) a refractive index (20°C) of not less than 1.4732 and not more than 1.4753,
- (c) a saponification value of not less than 188 and not more than 193, and
- (d) an iodine value (Hanus) of not less than 111 and not more than 130.

**B.09.007. Peanut Oil (Arachis Oil)** is the oil of the peanut, and shall have

- (a) a specific gravity (20°C/20°C) of not less than 0.9130 and not more than 0.9200,
- (b) a refractive index (20°C) of not less than 1.4680 and not more than 1.4720,
- (c) a saponification value of not less than 185 and not more than 196, and
- (d) an iodine value (Hanus) of not less than 83 and not more than 100.

**B.09.008. Soy Bean Oil (Soja Oil, Soya Oil)** is the oil of the seeds of the soy bean plant, and shall have

- (a) a specific gravity (20°C/20°C) of not less than 0.9210 and not more than 0.9250, and
- (b) a refractive index (20°C) of not less than 1.4719 and not more than 1.4755.

**B.09.009.** No person shall sell any oil, singly or in combination, as salad oil or table oil unless both the inner and the outer labels of every package of such oil carry, legibly and conspicuously, the common name of each oil, arranged in descending order of proportionate content, in characters of identical size and type with those used for the word *salad* or the word *table*.

**Food and Drugs Act**—*continued*

**B.09.010.** **Shortening**, other than butter or lard, shall be a combination of fats and oils, processed by hydrogenation or otherwise, with or without Class IV preservative, and shall not contain more than 1 per cent of substances other than fatty acids and fat.

**B.09.011.** **Lard** shall be the rendered fat from hogs, and shall not contain more than 1 per cent of substances other than fatty acids and fat.

**B.09.012.** Notwithstanding the provisions of B.09.011 lard that is not sold as *pure lard* may contain a Class IV preservative as a stabilizer.

**B.09.013.** No person shall sell lard that contains a Class IV preservative as a stabilizer unless both the inner and the outer labels of every package of such lard carry, in bold type of not less than one-quarter of the size of that used for the name of the product, and in immediate conjunction with such name, the following

“Contains (naming the Class IV preservative)”.

**B.09.014.** **Leaf Lard** shall be lard that has been rendered at a moderately high temperature from the internal fat of the abdomen of the hog, excluding that adhering to the intestines, and shall have an iodine value (Hanus) of not more than 65.

**B.09.015.** **Suet** shall be fat taken from the region of the loin and surrounding the kidney, or the caul fat, obtained from a beef carcass.

**B.09.016.** No person shall sell suet in comminuted form that contains more than 3 per cent of cereal and more than 1 per cent of salt.

## DIVISION 10

*Flavouring Preparations*

**B.10.001.** The foods referred to in this DIVISION are included within the term *flavouring preparation*.

**B.10.002.** In foods for which a standard is prescribed a flavouring preparation may be used only if such flavouring preparation is included in such standard.

**B.10.003.** Notwithstanding sub-paragraph (iv) of paragraph (a) of B.01.003 no label declaration is required for the presence of added artificial, imitation, or fortified flavouring preparation in bakery products or candy that are not manufactured exclusively for persons suffering from disease.

**B.10.004.** A flavouring extract or essence means a solution, with or without sweetening agent, of volatile oil, or of sapid or odorous principles, or both, extracted from the aromatic plant from which the flavouring extract is named, dissolved in water, ethyl alcohol, glycerine, or propylene glycol, or in any combination of these.

**B.10.005.** An artificial or imitation flavouring extract means a flavouring extract except that the flavouring principles shall be derived in whole or in part from sources other than aromatic plants.



**Food and Drugs Act—continued**

- B.10.006.** A flavour means a preparation, other than a solution prescribed by B.10.004, with or without sweetening agent, of volatile oil, or of sapid or odorous principles, or both, extracted from the aromatic plant from which the flavour is named, and any solvent contained in such flavour shall be water, ethyl alcohol, glycerine, or propylene glycol, or any combination of these.
- B.10.007.** A fortified flavouring extract or flavour shall be, respectively, a flavouring extract or a flavour to which has been added a fortifying substance.
- B.10.008.** No person shall sell a fortified flavouring extract or flavour unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the percentage addition of the fortifying substance.
- B.10.009.** Notwithstanding the provisions of B.01.006 no person shall sell any compound flavouring preparation that does not derive at least 51 per cent of its flavouring strength from the ingredient for which such preparation is named.
- B.10.010.** An artificial or imitation flavour means a flavour except that the flavouring principles shall be derived in whole or in part from sources other than aromatic plants.
- B.10.011.** In labelling and advertising an artificial, imitation, or fortified flavouring preparation the word *artificial*, or *imitation*, or *fortified* as the case may be shall be an integral part of the name of such flavouring preparation, and in identical type, and identically displayed, with such name.
- B.10.012.** Subject to these regulations a flavouring preparation may contain added colour and Class II preservative.
- B.10.013.** Any statement, mark, or device that refers to the strength of a flavouring preparation shall be correct in terms of the standards for flavouring extracts prescribed in these regulations.
- B.10.014. Almond Extract, Almond Flavour** shall contain not less than 1 per cent by volume of oil of bitter almonds, the hydrocyanic acid-free volatile oil obtained from the kernels of the bitter almond, the apricot, or the peach.
- B.10.015. Anise Extract, Anise Flavour** shall contain not less than 3 per cent by volume of oil of anise, the volatile oil obtained from the fruit of *Pimpinella anisum* L.
- B.10.016. Celery Seed Extract, Celery Seed Flavour** shall contain not less than 0.3 per cent by volume of oil of celery seed, and may be prepared from celery seed, or oil of celery seed, or both.
- B.10.017. Cassia Extract (Cassia Cinnamon Extract), Cassia Flavour (Cassia Cinnamon Flavour)** shall contain not less than 2 per cent by volume of oil of cassia cinnamon, the lead-free volatile oil obtained from the leaves and twigs of *Cinnamomum cassia* L. containing not less than 80 per cent by weight of cinnamic aldehyde.

**Food and Drugs Act—continued**

- B.10.018. Ceylon Cinnamon Extract, Ceylon Cinnamon Flavour** shall contain not less than 2 per cent by volume of oil of Ceylon cinnamon, the lead-free volatile oil obtained from the bark of *Cinnamomum zeylanicum* Nees containing by weight,
- (a) not less than 65 per cent of cinnamic aldehyde, and
  - (b) not more than 10 per cent of eugenol.
- B.10.019. Clove Extract, Clove Flavour** shall contain not less than 2 per cent by volume of oil of clove, the lead-free volatile oil obtained from clove buds.
- B.10.020. Ginger Extract** shall contain in 100 millilitres the alcohol soluble matter from not less than 20 grams of ginger.
- B.10.021. Lemon Extract, Lemon Flavour** shall be prepared from lemon peel or from oil of lemon, and shall contain, along with more or less of the terpenes of lemon oil, not less than 0.2 per cent of citral derived from oil of lemon.
- B.10.022. Nutmeg Extract, Nutmeg Flavour** shall contain not less than 2 per cent by volume of oil of nutmeg.
- B.10.023. Orange Extract, Orange Flavour** shall be prepared from sweet orange peel, oil of sweet orange, or terpeneless oil of sweet orange, and shall correspond in flavouring strength to an alcoholic solution containing 5 per cent by volume of oil of sweet orange, the volatile oil obtained from the fresh peel of *Citrus aurantium* L. that shall have an optical rotation at a temperature of 25°C of not less than 95° in a 100 millimetre tube and from which, if described as terpeneless oil of sweet orange, the terpenes have been removed.
- B.10.024. Peppermint Extract, Peppermint Flavour** shall be prepared from oil of peppermint, or from peppermint, or from both, and shall contain not less than 3 per cent by volume of oil of peppermint, the oil, containing not less than 50 per cent by weight of free and combined menthol, obtained from the leaves and flowering tops of *Mentha piperita* L. or of *Mentha arvensis* De.C., var. *piperascens* Holmes.
- B.10.025. Rose Extract, Rose Flavour** shall contain not less than 0.4 per cent by volume of otto of rose, the volatile oil obtained from the petals of *Rosa damascena* Mill., *R. centifolia* L., or *R. moschata* Herm.
- B.10.026. Savory Extract, Savory Flavour** shall be prepared from oil of savory, or from savory, or from both, and shall contain not less than 0.35 per cent by volume of oil of savory.
- B.10.027. Spearmint Extract, Spearmint Flavour** shall be prepared from oil of spearmint, or from spearmint, or from both, and shall contain not less than 3 per cent by volume of oil of spearmint obtained from the leaves and flowering tops of *Mentha spicata* L.
- B.10.028. Star Anise Extract, Star Anise Flavour** shall contain not less than 3 per cent by volume of oil of star anise, the volatile oil obtained from the fruit of *Illicium verum* Hook.

**Food and Drugs Act—continued**

- B.10.029. Sweet Basil Extract, Sweet Basil Flavour** shall be prepared from oil of sweet basil, or from sweet basil, or from both, and shall contain not less than 0.1 per cent by volume of oil of sweet basil obtained from the leaves and tops of *Ocimum basilicum* L.
- B.10.030. Sweet Marjoram Extract (Marjoram Extract), Sweet Marjoram Flavour (Marjoram Flavour)** shall be prepared from oil of marjoram, or from marjoram, or from both, and shall contain not less than 1 per cent by volume of oil of marjoram.
- B.10.031. Thyme Extract, Thyme Flavour** shall be prepared from oil of thyme, or from thyme, or from both, and shall contain not less than 0.2 per cent by volume of oil of thyme.
- B.10.032. Tonka Extract, Tonka Flavour** shall be prepared from the tonka bean, the seed of *Dipteryx odorata* Willd. or *D. oppositifolia* Willd., and shall contain not less than 0.1 per cent by weight of coumarin extracted from the tonka bean together with a corresponding proportion of the other soluble matter thereof.
- B.10.033. Vanilla Extract, Vanilla Flavour** shall be prepared from the vanilla bean, the dried, cured fruit of *Vanilla planifolia* Andrews, and shall contain in 100 millilitres the soluble matter of not less than 10 grams of the vanilla bean, and shall contain no added colour.
- B.10.034. Wintergreen Extract, Wintergreen Flavour** shall be prepared from oil of wintergreen, the volatile oil distilled from the leaves of *Gaultheria procumbens* L. or from *Betula lenta* L., and shall contain not less than 3 per cent by volume of oil of wintergreen.

DIVISION 11

*Fruits, Vegetables, and their Products*

- B.11.001. Canned vegetables** shall be the foods prepared by heat-processing sound, properly matured and prepared fresh vegetables, with or without
- (a) sugar, or dextrose, or both,
  - (b) salt, or
  - (c) conditioner,
- and shall be canned in suitable, clean, closed containers.
- B.11.002. Tomatoes (Canned Tomatoes)** shall be the canned vegetable prepared from tomatoes and shall contain not less than 50 per cent of drained tomato solids as determined by the method employed by the Food and Drug Laboratories, and may contain as a conditioner
- (a) purified calcium chloride,
  - (b) calcium citrate,
  - (c) monocalcium phosphate,
  - (d) calcium sulphate, or
  - (e) any combination of these.



**Food and Drugs Act—continued**

**B.11.003.** No person shall sell canned tomatoes containing conditioner unless

- (a) the tomatoes contain, by weight of the finished product, not more than 0·026 per cent of conditioner, calculated as calcium, and
- (b) the main panel of the main label of every package of such tomatoes carries, legibly and conspicuously, a declaration by name of the presence of such conditioner.

**B.11.004. Tomato Juice** shall be the canned, unconcentrated, pasteurized liquid of the tomato, with a proportion of the pulp, expressed with or without the application of heat by any method that does not add water to such liquid, from whole, ripe tomatoes from which all stems and objectionable portions have been removed, and, with or without,

- (a) salt, or
- (b) sugar, or dextrose, or both

added in dry form only.

**B.11.005.** No person shall sell tomato juice containing added salt, sugar, or dextrose, unless the main panel of the main label of every package thereof carries, legibly and conspicuously, a declaration by name of the presence of such added substance.

**B.11.006. Tomato Juice Cocktail** shall be canned tomato juice that contains salt, sugar, or dextrose, to which has been added

- (a) not more than 20 per cent of other vegetable juice, and
- (b) seasoning.

**B.11.007.** No person shall sell tomato juice or tomato juice cocktail that

- (a) shows mould filaments in more than 25 per cent of the microscopic fields, and
- (b) contains, per millilitre, more than
  - (i) 50,000,000 bacteria, or
  - (ii) 3,900,000 yeasts and spores

when examined by the methods employed by the Food and Drug Laboratories.

**B.11.008. Tomato Puree** shall be the canned food made from whole, ripe tomatoes of good flavour, with the skins and seeds removed, by concentrating to one-half or less of the original bulk, and with or without Class II preservative, and shall have a specific gravity (20°C/20°C) of not less than 1·050.

**B.11.009. Tomato Paste** shall be the canned food made by concentrating through evaporation

- (a) tomatoes, or
- (b) properly prepared, sound tomato trimmings

and with or without

- (c) salt,
- (d) Class II preservative, or
- (e) food colour

and shall contain not less than 20 per cent of tomato solids as determined by the method employed by the Food and Drug Laboratories.

**Food and Drugs Act—continued**

**B.11.010. Concentrated Tomato Paste** shall be tomato paste containing not less than 30 per cent of tomato solids.

**B.11.011. Tomato Catsup (Catsup)** includes *Ketchup*, *Catchup* and other variants of the word *Catsup*, and shall be the canned food made from the pulp and juice of red-ripe tomatoes from which seeds, skins, and cores have been removed, and with the addition of

- (a) vinegar,
  - (b) salt,
  - (c) seasoning, and
  - (d) sweetening agent
- and with or without
- (e) Class II preservative, or
  - (f) food colour.

**B.11.012.** No person shall sell tomato puree, tomato paste, or tomato catsup that

- (a) shows mould filaments in more than 50 per cent of the microscopic fields, and
- (b) contains, per millilitre, more than
  - (i) 100,000,000 bacteria, or
  - (ii) 7,500,000 yeasts and spores

when examined by the methods employed by the Food and Drug Laboratories.

**B.11.013.** Canned corn shall be the canned food prepared from one of the varieties of corn, known to the trade as sweet corn, picked when young and tender.

**B.11.014. Cream Style Corn (Corn)** shall be the canned food prepared from kernels that have been removed from the cob by shallow cutting and subsequent scraping causing it to have a creamy consistency.

**B.11.015. Whole (or Cut) Kernel Style Corn** shall be the canned food prepared from kernels that have been removed from the cob in such a manner as to leave them practically whole.

**B.11.016. Corn on Cob** shall be the canned ears of corn.

**B.11.017. Canned Peas** shall be the canned food prepared with water from young, tender peas free from pods or other foreign material, and with or without

- (a) sugar, or dextrose, or both,
- (b) salt, or
- (c) conditioner not exceeding, by weight of the finished product,
  - (i) calcium hydroxide 0.04 per cent, or
  - (ii) magnesium hydroxide 0.01 per cent.

**B.11.018.** No person shall sell canned peas containing conditioner unless the main panel of the main label of every package thereof carries, legibly and conspicuously, the declaration "Alkalies Added".

**Food and Drugs Act—continued**

- B.11.019.** Sauerkraut shall be the canned food prepared by the full fermentation of cabbage to which salt has been added, and shall contain not less than 1 per cent of acid calculated as lactic acid.
- B.11.020.** Frozen vegetables shall be vegetables preserved by freezing and shall be packed in suitable, clean, closed containers.
- B.11.021.** No person shall sell frozen vegetables other than rhubarb that have not been blanched before freezing.

*Fruits*

- B.11.031.** Fruit shall be sound, matured, and properly prepared.
- B.11.032.** Canned fruits shall be the foods prepared by heat-processing sound, properly matured and prepared fresh fruit, with or without sugar, or dextrose, or both, and shall be canned in suitable, clean closed containers.
- B.11.033.** Dried fruit, desiccated fruit, shall be fruit dried or desiccated in such a way as to take up no harmful substance.
- B.11.034.** Evaporated fruit shall be fruit dried by means of artificial heat.
- B.11.035.** Dehydrated fruit shall be fruit dried under conditions in which temperature, air flow, and humidity are controlled.
- B.11.036.** Subject to these regulations dried, desiccated, evaporated, or dehydrated fruit may contain sulphur dioxide.
- B.11.037.** No person shall sell evaporated apples that contain more than 22 per cent of moisture as determined by the method employed by the Food and Drug Laboratories.
- B.11.038.** Frozen fruit shall be fruit preserved by freezing, and with or without
- (a) sugar, or dextrose, or both, or
  - (b) ascorbic acid to prevent discoloration
- and shall be packed in suitable, clean, closed containers.
- B.11.039.** No person shall sell frozen fruit that contains added sugar or dextrose unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the presence of such added substance.
- B.11.040.** No person shall sell frozen fruit containing added ascorbic acid unless
- (a) such fruit contains not more than 200 milligrams of ascorbic acid per pound, and
  - (b) both the inner and the outer labels of every package of such fruit carry, legibly and conspicuously, the declaration "Contains ascorbic acid to prevent discoloration".

*Fruit Juices*

- B.11.045.** Fruit juice shall be the unfermented liquid expressed from sound, ripe, fresh fruit, and with or without
- (a) sugar, or dextrose, or both, or
  - (b) Class II preservative
- and shall be packed in suitable, clean, closed containers.



**Food and Drugs Act—continued**

**B.11.046. Apple Juice** shall be the fruit juice obtained from apples, and shall have a specific gravity (20°C/20°C) of not less than 1·0415 and not more than 1·0690, and shall contain in 100 millilitres measured at a temperature of 20°C

- (a) not less than 6 grams and not more than 20 grams of total sugars in terms of reducing sugars, and
- (b) not less than 0·24 gram and not more than 0·6 gram of ash of which not less than 50 per cent shall be potassium carbonate.

**B.11.047. Grape Juice** shall be the fruit juice obtained from grapes, and shall have a specific gravity (20°C/20°C) of not less than 1·0400 and not more than 1·1240 and shall contain in 100 millilitres measured at a temperature of 20°C

- (a) not less than 7 grams and not more than 28 grams of total sugars in terms of reducing sugars,
- (b) not less than 0·20 gram and not more than 0·55 gram of ash, and
- (c) not less than 0·015 gram and not more than 0·070 gram of phosphoric acid calculated as  $P_2O_5$ .

**B.11.048. Grapefruit Juice** shall be the fruit juice obtained from grapefruit, and shall contain in 100 millilitres measured at a temperature of 20°C

- (a) not less than 9·5 grams of soluble solids,
- (b) not less than 1·0 gram and not more than 1·7 grams of acid calculated as anhydrous citric acid, and
- (c) not less than 7 grams of soluble solids to each gram of acid calculated as anhydrous citric acid.

**B.11.049. Lemon Juice** shall be the fruit juice obtained from lemons and shall have a specific gravity (20°C/20°C) of not less than 1·030 and not more than 1·040, and shall contain in 100 millilitres measured at 20°C

- (a) not less than 10 grams and not more than 12 grams of solids, and
- (b) not less than 5·0 grams of anhydrous citric acid.

**B.11.050. Lime Juice (Lime Fruit Juice)** shall be the fruit juice obtained from lime fruit, and shall have a specific gravity (20°C/20°C) of not less than 1·030 and not more than 1·040, and shall contain in 100 millilitres measured at a temperature of 20°C not less than

- (a) 8 grams of soluble solids, and
- (b) 6·4 grams of anhydrous citric acid,

and its optical rotation determined at a temperature of 20°C using a column 200 millimetres in length shall lie between +0·5 and -1·5 degrees Ventzke.

**B.11.051. Orange Juice** shall be the fruit juice obtained from sweet oranges, and shall contain in 100 millilitres measured at a temperature of 20°C

- (a) not less than 10 grams of soluble solids,
- (b) not less than 0·5 gram and not more than 1·9 grams of anhydrous citric acid, and
- (c) not less than 8 parts by weight of soluble solids to each part by weight of acid calculated as anhydrous citric acid.

**Food and Drugs Act—continued***Concentrated Fruit Juices*

**B.11.055.** Concentrated fruit juice shall be fruit juice from which a considerable portion of the water has been removed, and with or without Class II preservative, or food colour.

**B.11.056.** No person shall sell a concentrated fruit juice unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the proportion of water that has been removed from the juice from which it is obtained.

*Sweet Fruit Juices*

**B.11.061.** Sweet fruit juice, or sweetened fruit juice, shall be fruit juice to which has been added sugar, or dextrose, or a combination of these.

**B.11.062.** Fruit syrup shall be sweet fruit juice containing not less than 15 per cent by weight of sugar, dextrose, or a combination of these.

*Jams, Marmalades, Jellies*

**B.11.065.** Subject to these regulations jam or marmalade shall be made by processing fruit, fruit pulp, or canned fruit with water and sweetening agent by boiling to a suitable consistency, and with or without the addition of

- (a) acid ingredient,
  - (b) Class II preservative,
  - (c) food colour, or
  - (d) pectin in the form of fruit juice or pectin preparation,
- and shall contain not less than 66 per cent of water-soluble solids as estimated by the refractometer.

**B.11.066.** No person shall sell marmalade that is not made from citrus fruit, pineapple, fig, or ginger.

**B.11.067.** No person shall sell jam described as pure, or genuine, or by any other term implying a product of first quality that contains

- (a) less than 45 per cent of fruit except where the fruit is strawberry when it shall contain not less than 52 per cent,
- (b) a sweetening agent other than sugar or invert sugar syrup, or
- (c) apple, or rhubarb,

but it may contain in an amount that reasonably compensates for any deficiency in the natural acidity or pectin content of the fruit used in its preparation

- (d) acid ingredient consisting of
  - (i) citric, malic, or tartaric acid,
  - (ii) lemon or lime juice,
  - (iii) cider vinegar, or
  - (iv) any combination of these, or
- (e) pectin.

**B.11.068. (naming the fruit) Jam With Added Pectin** shall be jam that contains

- (a) not less than 27 per cent of the named fruit except where such fruit is strawberry when it shall contain not less than 32 per cent,
- (b) a sweetening agent consisting of

**Food and Drugs Act—continued**

- (i) sugar,
  - (ii) invert sugar syrup, or
  - (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose, and
  - (c) pectin, or pectinous preparation,
- and with or without
- (d) acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the fruit used in its preparation consisting of
    - (i) citric, malic, or tartaric acid,
    - (ii) lemon or lime juice,
    - (iii) cider vinegar, or
    - (iv) any combination of these,
  - (e) food colour, or
  - (f) Class II preservative.

**B.11.069.** No person shall sell a jam for which a standard is prescribed by B.11.068 that contains

- (a) citrus fruit,
- (b) apple, or
- (c) rhubarb.

**B.11.070. Apple (or Rhubarb) and (naming the fruit) Jam** shall be jam that contains

- (a) not less than 12·5 per cent of the named fruit except where such fruit is strawberry when it shall contain not less than 15 per cent,
- (b) not less than 20 per cent of apple or rhubarb pulp, and
- (c) a sweetening agent consisting of
  - (i) sugar,
  - (ii) invert sugar syrup, or
  - (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 cent of dextrose or glucose,

and with or without

- (d) pectin, or pectinous preparation,
- (e) acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the fruit used in its preparation, consisting of
  - (i) citric, malic, or tartaric acid,
  - (ii) lemon or lime juice,
  - (iii) cider vinegar, or
  - (iv) any combination of these,
- (f) food colour, or
- (g) Class II preservative.

**B.11.071.** No person shall sell a jam for which a standard is prescribed by B.11.070 that contains added pectin or pectinous preparation unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of such added substance.



**Food and Drugs Act—continued**

**B.11.072.** No person shall sell a jam for which a standard is prescribed by B.11.070 that contains dextrose or glucose in excess of 25 per cent by weight of the sweetening agent unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the presence of dextrose or glucose.

**B.11.073. (naming the citrus fruit) Marmalade** shall be the food of jelly-like consistency made from any combination of peel, pulp, and juice of the named citrus fruit by boiling with water and sugar or invert sugar syrup, and with or without an acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the citrus fruit used in its preparation, consisting of

- (a) citric, malic, or tartaric acid,
- (b) lemon or lime juice,
- (c) cider vinegar, or
- (d) any combination of these,

and shall contain not less than 65 per cent of water-soluble solids as estimated by the refractometer.

**B.11.074. (naming the citrus fruit) Marmalade With Added Pectin** shall contain

- (a) not less than 27 per cent of any combination of the peel, pulp, or juice of the named citrus fruit,
- (b) a sweetening agent consisting of
  - (i) sugar,
  - (ii) invert sugar syrup, or
  - (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose,
- (c) not less than 65 per cent of water-soluble solids as estimated by the refractometer, and
- (d) pectin, or pectinous preparation, and with or without
- (e) acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the citrus fruit used in its preparation, consisting of
  - (i) citric, malic, or tartaric acid,
  - (ii) lemon or lime juice,
  - (iii) cider vinegar, or
  - (iv) any combination of these, or
- (f) Class II preservative.

**B.11.075. Pineapple (Fig, or Ginger) Marmalade** shall be the food made from the pulp and juice of pineapple, fig, or ginger by boiling with water and sugar or invert sugar syrup, and shall contain not less than

- (a) 45 per cent of pineapple, fig, or ginger, and
- (b) 65 per cent of water-soluble solids as estimated by the refractometer,

and with or without, in an amount that reasonably compensates for any deficiency in the natural acidity or natural pectin content of the named fruit used in its preparation,

**Food and Drugs Act—continued**

- (c) acid ingredient consisting of
  - (i) citric, malic, or tartaric acid,
  - (ii) lemon or lime juice,
  - (iii) cider vinegar, or
  - (iv) any combination of these, or
- (d) pectin.

**B.11.076. Pineapple (Fig or Ginger) Marmalade With Added Pectin** shall contain

- (a) not less than 27 per cent of pineapple, fig, or ginger,
- (b) a sweetening agent consisting of
  - (i) sugar,
  - (ii) invert sugar syrup, or
  - (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose,
- (c) not less than 65 per cent of water-soluble solids as estimated by the refractometer, and
- (d) pectin, or pectinous preparation,

and with or without

- (e) acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the named fruit used in its preparation, consisting of
  - (i) citric, malic, or tartaric acid,
  - (ii) lemon or lime juice,
  - (iii) cider vinegar, or
  - (iv) any combination of these,
- (f) food colour, or
- (g) Class II preservative.

**B.11.077.** No person shall sell any marmalade described as pure, or genuine, or by any other term implying a product of first quality unless it meets the standard prescribed by B.11.073, or B.11.075.

**B.11.078. (naming the fruit) Preserve (Conserve)** shall be the food made by processing fruit other than apple or rhubarb with sugar or invert sugar syrup, and in its preparation not less than 45 pounds of the named fruit shall be used with each 55 pounds of sugar or its equivalent in invert sugar syrup, and shall contain not less than 60 per cent and not more than 65 per cent of water-soluble solids as estimated by the refractometer.

**B.11.079.** Subject to these regulations jelly shall be the gelatinous food made by

- (a) boiling clean, sound, properly prepared fruit and water, and
  - (b) concentrating the expressed and strained liquor known as *juice* and adding a sweetening agent, and with or without
  - (c) acid ingredient,
  - (d) juice of another fruit,
  - (e) pectin or pectinous preparation,
  - (f) gelling agent,
  - (g) food colour, or
  - (h) Class II preservative,
- and shall contain not less than 62 per cent of water-soluble solids as estimated by the refractometer.

**Food and Drugs Act—continued**

**B.11.080.** No person shall sell any jelly described as pure, or genuine, or by any other term implying a product of first quality that contains any ingredient other than

(a) the liquor known as *juice* of the fruit by which the jelly is named, and

(b) sugar or invert sugar syrup,

except that there may be added in an amount that reasonably compensates for any deficiency in the natural acidity or natural pectin content of the fruit used in its preparation,

(c) acid ingredient consisting of

(i) citric, malic, or tartaric acid,

(ii) lemon or lime juice,

(iii) cider vinegar, or

(iv) any combination of these, or

(d) pectin.

**B.11.081. (naming the fruit) Jelly With Added Pectin** shall contain

(a) not less than 32 per cent of liquor known as *juice* of the named fruit,

(b) a sweetening agent consisting of

(i) sugar,

(ii) invert sugar syrup, or

(iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose,

(c) not less than 62 per cent of water-soluble solids as estimated by the refractometer, and

(d) pectin, or pectinous preparation,

and with or without

(e) acid ingredient in an amount that reasonably compensates for any deficiency in the natural acidity of the fruit used in its preparation, consisting of

(i) citric, malic, or tartaric acid,

(ii) lemon or lime juice,

(iii) cider vinegar, or

(iv) any combination of these,

(f) gelling agent,

(g) food colour, or

(h) Class II preservative.

**B.11.082. Cranberry Sauce (Jellied Cranberry)** shall be jam made from cranberries and notwithstanding the provisions of B.11.065 it may contain less than 66 per cent of water-soluble solids.

**B.11.083. Cranberry Jelly** shall be jelly made from cranberries and notwithstanding the provisions of B.11.079 may contain less than 62 per cent of water-soluble solids.

**B.11.084. Mint Jelly (Jellied Mint)** shall be prepared from

(a) mint juice, with or without mint leaves,

(b) apple juice or pectin or pectinous preparation, and

(c) sweetening agent consisting of

(i) sugar,

(ii) invert sugar syrup, or



**Food and Drugs Act—continued**

- (iii) a combination by weight of not less than 75 per cent of sugar or invert sugar syrup and not more than 25 per cent of dextrose or glucose,

and with or without

- (d) food colour,  
(e) flavouring preparation, or  
(f) acid ingredient consisting of  
    (i) citric, malic, or tartaric acid,  
    (ii) lemon or lime juice,  
    (iii) cider vinegar, or  
    (iv) any combination of these.

*Pie Fillers*

**B.11.091. Apple Pie Filler** shall be the food prepared from

- (a) sound, mature apples, free from insect or surface injury, properly peeled, cored and trimmed as segments or rings, and

- (b) sugar

and with or without

- (c) dextrose or glucose,  
(d) Class II preservative, or  
(e) thickener

and shall contain not less than 20 per cent of water-soluble solids as estimated by the refractometer.

**B.11.092. Bakers Fruit Filler** shall be the food prepared from

- (a) any combination of fruit,  
(b) sugar,  
(c) dextrose or glucose, and  
(d) pectin or pectinous preparation

and with or without

- (e) food colour,  
(f) flavouring preparation,  
(g) Class II preservative, or  
(h) thickeners.

**B.11.093.** No person shall sell apple pie filler or bakers fruit filler containing more than one thickener, and unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the name of such thickener.

**B.11.094.** No person shall sell apple pie filler or bakers fruit filler containing dextrose or glucose in excess of 25 per cent by weight of the total sweetening agent present unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the declaration of the presence of such dextrose or glucose.

**B.11.095.** No person shall sell bakers fruit filler unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the name of the fruit used in its preparation.

**B.11.096. Mince (Mince Meat)** shall be the food prepared from

- (a) suet,  
(b) apple,  
(c) fruit, or dried fruit,  
(d) salt,

**Food and Drugs Act—continued**

- (e) spices, and
- (f) sweetening agent,  
and with or without
- (g) vinegar,
- (h) fresh, concentrated, or fermented fruit juice,
- (i) spirituous liquor,
- (j) nuts,
- (k) cooked meat, or
- (l) Class II preservative.

**Boiled Cider**

**B.11.097. Boiled Cider** shall be the liquid expressed from whole apples, apple cores, apple trimmings, or apple culls, that is concentrated by boiling.

## DIVISION 12

**Gelling Agents**

**B.12.001.** The foods referred to in this DIVISION are included within the term *gelling agent*.

**B.12.002. Gelatin (Edible Gelatin)** shall be the purified food obtained by extracting with boiling water certain tissues such as skin, ligaments and bones, from sound animals, and, when tested by the methods employed by the Food and Drug Laboratories, it

- (a) shall be free from objectionable odour when in warm aqueous solution,
- (b) shall contain not less than 82 per cent of ash-free solids, and
- (c) shall not contain more than
  - (i) 2·6 per cent of ash on the dry basis, or
  - (ii) 500 parts per million of sulphurous acid including salts thereof, calculated as sulphur dioxide.

**B.12.003.** When tested by the method employed by the Laboratory of Hygiene gelatin shall not show the presence of more than 10,000 bacteria per gram and coliform bacteria shall not be evident in 0·01 gram.

**B.12.004. Agar (Agar-Agar)** shall be the dried, purified, mucilaginous food obtained by aqueous extraction of seaweeds of different species of *Gelidium*, and shall contain on the dry basis not more than

- (a) 7 per cent of total ash, and
- (b) 1 per cent of ash insoluble in hydrochloric acid,  
and shall yield with water a practically colourless and tasteless solution.

**B.12.005. Irish Moss Gelose (Carrageen, Carrageenin)** shall be the dried, purified, mucilaginous food obtained by aqueous extraction of seaweeds of the species *Chondrus crispus*, and shall yield with water a practically clear, colourless, and tasteless solution.

**Food and Drugs Act—continued**

**DIVISION 13**

*Grain and Bakery Products*

**B.13.001.** Grain shall be the fully matured, air-dry seed of wheat, maize, rice, oats, rye, buckwheat, barley, sorghum, millet, or spelt.

**B.13.002.** Meal shall be made by grinding grain.

**B.13.003. Flour** shall be the fine product made by the milling of wheat and shall not contain more than 15 per cent of moisture and shall contain, on the dry basis,

(a) not less than 1.40 per cent of organic nitrogen, and

(b) not more than 1 per cent of ash,

and with or without non-injurious ingredients added to modify the colour or the baking properties.

**B.13.004.** Notwithstanding the provisions of B.13.003 **Whole Wheat Flour** may contain, on the dry basis, more than 1 per cent of ash.

**B.13.005.** No person shall sell flour, or whole wheat flour, that contains non-injurious ingredients added to modify the colour or the baking properties unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "This flour contains improvers".

**B.13.006. Vitamin B White Flour (Canada Approved)** shall be flour and shall

(a) retain in the process of milling a high proportion of the vitamins naturally occurring in the original wheat berry,

(b) constitute not less than 70 per cent by weight of the wheat from which it is milled, and

(c) be bolted through at least one cloth the openings of which are not larger than the openings of a woven wire cloth designated *149 Microns* (No. 100 sieve) which corresponds to 9XX bolting silk,

and, on the dry basis,

(d) shall contain in one pound an amount of the vitamin B complex that will contribute not less than 1.2 milligrams of vitamin B<sub>1</sub>, and

(e) shall not contain more than 0.70 per cent or less than 0.61 per cent of ash.

**B.13.007. Vitamin B Whole Wheat Flour (Canada Approved)** shall be whole wheat flour and shall

(a) retain in the process of milling a high proportion of the vitamin B complex naturally occurring in the wheat berry,

(b) constitute not less than 95 per cent by weight of the wheat from which it is milled, and

(c) on the dry basis, contain in one pound an amount of vitamin B complex that will contribute not less than 1.8 milligrams of vitamin B<sub>1</sub>.

**B.13.008.** No person shall sell flour that contains nitrogen trichloride.



**Food and Drugs Act—continued**

**B.13.009.** For the purposes of B.13.003, B.13.004, B.13.006, and B.13.007 moisture, ash, and fineness shall be determined by the methods employed by the Food and Drug Laboratories.

**B.13.010. Bread** shall be made by baking a yeast-leavened dough prepared with

(a) flour,

(b) water, and

(c) salt,

and with or without

(d) fat or oil,

(e) milk or milk product,

(f) egg, egg-yolk, egg white,

(g) sweetening agent,

(h) glycerine,

(i) malt syrup,

(j) malt extract or other enzyme bearing material,

(k) starch or flour from various sources that may be wholly or partially dextrinized,

(l) other parts of the wheat berry,

(m) yeast foods,

(n) oxidizing improvers,

(o) reaction-adjusting chemicals,

(p) emulsifiers,

(q) seasoning, or

(r) Class III preservative.

**B.13.011. Vitamin B White Bread (Canada Approved)** shall be bread baked from a dough in which Vitamin B White Flour (Canada Approved) is the only flour used and shall contain not less than

(a) 4 per cent, of the weight of the flour, of dry skim milk, and

(b) in one pound of the bread 0.54 milligram of vitamin B<sub>1</sub> together with the attendant members of the vitamin B complex.

**B.13.012. Vitamin B Brown Bread (Canada Approved)** shall be bread baked from a dough in which a combination of not less than 60 per cent of Vitamin B Whole Wheat Flour (Canada Approved) and not more than 40 per cent of Vitamin B White Flour (Canada Approved) are the only flours used, and shall contain not less than

(a) 4 per cent, by weight of the flour, of dry skim milk, and

(b) in one pound of the bread, 0.78 milligram of vitamin B<sub>1</sub> together with the attendant members of the vitamin B complex.

**B.13.013.** No person shall use the word *vitamin*, or any other word, symbol, or device suggestive of any vitamin, as part of the name or in immediate conjunction therewith, on any label or in any advertisement for any flour that is not Vitamin B White Flour (Canada Approved), Vitamin B Whole Wheat Flour (Canada Approved), or for any bread that is not Vitamin B White Bread (Canada Approved), or Vitamin B Brown Bread (Canada Approved).

**Food and Drugs Act—continued**

**B.13.014. Gluten** shall be made from flour by removal of starch and shall not contain more than 10 per cent of moisture, and on the dry basis shall contain

- (a) not less than 14·2 per cent of organic nitrogen,
- (b) not more than 15·0 per cent of nitrogen-free extract, calculated from a protein factor of 5·7, and
- (c) not more than 5·5 per cent of starch as determined by the diastase method employed by the Food and Drug Laboratories.

**B.13.015. Gluten Flour** shall be made from flour by the removal of part of the starch and shall not contain more than 10 per cent of moisture, and on the dry basis shall contain

- (a) not less than 7·1 per cent of organic nitrogen,
- (b) not more than 56 per cent of nitrogen-free extract, calculated from a protein factor of 5·7, and
- (c) not more than 44 per cent of starch as determined by the diastase method employed by the Food and Drug Laboratories.

**B.13.016. Maize Meal (Corn Meal, Indian Meal)** shall be meal made from maize, and shall not contain more than

- (a) 14 per cent of moisture, and
- (b) 1·6 per cent of ash,

and shall contain not less than 1·12 per cent of organic nitrogen.

**B.13.017. Rice** shall be the hulled, or hulled and polished, seed of the rice plant.

**B.13.018. Rice Flour** shall be the fine product made by bolting rice meal and shall not contain more than

- (a) 15 per cent of moisture, and
- (b) 1 per cent of ash,

and shall contain not less than 1 per cent of organic nitrogen.

**B.13.019. Oatmeal** shall be meal made from hulled oats, and shall not contain more than

- (a) 12 per cent of moisture,
- (b) 1·8 per cent of crude fibre, and
- (c) 2·2 per cent of ash,

and shall contain not less than 2 per cent of organic nitrogen.

**B.13.020. Rye Flour** shall be the fine product made by bolting rye meal, and shall not contain more than

- (a) 13·5 per cent of moisture, and
- (b) 1·25 per cent of ash,

and shall contain not less than 1·36 per cent of organic nitrogen.

**Food and Drugs Act—continued**

**B.13.021. Buckwheat Flour** shall be the fine product made by bolting buckwheat meal, and shall not contain more than

(a) 12 per cent of moisture, and

(b) 1.75 per cent of ash,

and shall contain not less than 1.28 per cent of organic nitrogen.

**B.13.022. Corn Starch** shall be made from maize, and shall not contain more than

(a) 13 per cent of moisture,

(b) 2 per cent of substances other than starch and moisture, and

(c) 1 per cent of ash,

and shall contain not less than 84 per cent of actual starch.

**B.13.023.** No person shall sell as containing egg, any alimentary paste such as noodles, macaroni, spaghetti, unless such alimentary paste contains on the dry basis not less than 4 per cent by weight of egg-yolk solids derived from whole egg, dried egg, frozen egg, or egg-yolk.

**B.13.024. Special Dietary Foods** shall be breads, biscuits, cakes, or similar bakery products that contain not more than one-half as much glycogenic carbohydrates as the normal food of the same class.

DIVISION 14

*Meat, its Preparations and Products*

**B.14.001.** In this DIVISION animal includes mammals, birds, and other animals that are used as food, except marine animals.

**B.14.002.** Meat is the clean, dressed flesh, exclusive of the lips, snouts, and ears, of animals healthy at the time of slaughter, and includes the heart, tongue, diaphragm, oesophagus, and skeletal musculature with attendant tissues.

**B.14.003.** Meat by-product shall be the clean parts other than meat, but inclusive of the lips, snouts, and ears, derived from animals healthy at the time of slaughter, and includes the tissue residues from the processes whereby edible fats are dry-rendered.

**B.14.004.** Notwithstanding the provisions of B.14.002 and B.14.003 no person shall manufacture or sell as food, mucous membranes, any organ or portion of the genital system, black gut, spleens, udders, or any other organ or portion of an animal that is not commonly sold as an article of food.

**B.14.005.** Prepared meat or prepared meat by-product shall be meat or meat by-product whether comminuted or not that is preserved, canned, frozen, cooked, or any combination of the foregoing and, subject to these regulations, with or without any other ingredient, and shall include meat or meat by-product to which, subject to these regulations, has been added any other ingredient.



**Food and Drugs Act—continued**

**B.14.006.** A food that consists wholly or in part of a meat by-product or a prepared meat by-product shall be labelled, legibly and conspicuously,  
 (a) with the words "meat by-product", or  
 (b) with the name of the meat by-product in place of the words *meat by-product*.

**B.14.007.** Meat derivative shall be a food, other than meat or prepared meat, that is derived from meat or from bone.

**B.14.008.** In this Division cereal means

- (a) flour or meal prepared from grain or potato, but not from a legume, and
- (b) bread, biscuit, or bakery products, but not those containing or made with a legume,

and includes

- (c) milk powder, skim milk powder, buttermilk powder, or powdered whey.

**B.14.009. Sausage Binder (Sausage Filler, Meat Binder)** shall be any combination of cereal, salt, sugar, dextrose, glucose, spices and other seasonings except tomato, that is used in the manufacture of prepared meat or prepared meat by-product.

**B.14.010.** No person shall sell sausage binder unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, adequate directions for use in accordance with the limits prescribed in this Division for the cereal content of prepared meat or prepared meat by-product.

**B.14.011.** No person shall sell, for consumption as food, poultry to which has been administered any preparation having oestrogenic activity.

**B.14.012.** No person shall sell for administration to poultry that may be consumed as food any substance having oestrogenic activity.

*Meats, Meat By-products*

**B.14.015.** No person shall sell any meat or meat by-product that contains a larger proportion of moisture than the meat or meat by-product normally contains.

**B.14.016. Hamburg (Hamburger, Hamburg Steak)** shall be comminuted beef.

**B.14.017** No person shall sell hamburg that contains fat

- (a) other than that normally adherent to the beef used, and
- (b) in excess of 30 per cent by weight.

**B.14.018.** No person shall sell horse-meat or horse-meat by-product or any food containing these unless the main panel of both the inner and the outer labels of every package thereof carries a declaration of the presence of horse-meat or of horse-meat by-product in characters no less legible and conspicuous than any other character upon such main panel.

**Food and Drugs Act—continued***Prepared Meats, Prepared Meat By-products*

**B.14.030.** No person shall sell a prepared meat or a prepared meat by-product that contains

- (a) a larger proportion of moisture than the meat or meat by-product from which it is prepared contains when in its fresh condition, or
- (b) more than 4 per cent of cereal calculated as dextrose as determined by the acid hydrolysis method employed by the Food and Drug Laboratories.

**B.14.031.** No person shall sell prepared meat or prepared meat by-product that contains more than 60 per cent of moisture where such prepared meat or prepared meat by-product contains cereal.

**B.14.032.** Where any meat or meat by-product is named upon the label of or in any advertisement for a prepared meat or prepared meat by-product for which a standard is prescribed such label or advertisement shall also carry a complete list of the meats, or the meat by-products, or both, in descending order of their proportionate content and such list may form part of the name of the prepared meat or prepared meat by-product.

**B.14.033.** Preserved meat or preserved meat by-product shall be unmixed cooked or uncooked meat or meat by-product, salted, pickled, corned, cured, or smoked, preserved by a Class I preservative.

**B.14.034.** Canned meat shall be cooked meat preserved in a closed container.

**B.14.035.** Canned poultry shall be the canned meat prepared from the edible cuts of poultry with water and salt, and with or without

- (a) those bones or pieces of bone attached to the portion of the poultry that is being canned,
- (b) broth, or
- (c) gelling agent.

**B.14.036.** Broth that is used in canned poultry shall be the liquid in which the poultry has been cooked, and

- (a) in pressure pre-cooked solid pack, it shall be added to the can without dilution and shall have a content of total solids of not less than 9 ounces per gallon corresponding to a specific gravity of not less than 1·010 at a temperature of 50°C,
- (b) in pressure pre-cooked jellied pack, it shall have a content of total solids of not less than 9 ounces per gallon corresponding to a specific gravity of not less than 1·010 at a temperature of 50°C,
- (c) in open pre-cooked solid pack, it shall be added to the can without dilution and shall have a content of total solids of not less than 4·5 ounces per gallon corresponding to a specific gravity of not less than 1·000 at a temperature of 50°C, and
- (d) in open pre-cooked jellied pack, it shall have a content of total solids of not less than 4·5 ounces per gallon corresponding to a specific gravity of not less than 1·000 at a temperature of 50°C, and

where gelling agent or salt are added to the broth prior to filling the cans the broth may contain by weight not more than 3 per cent of gelling agent and 4·4 per cent of salt.

**Food and Drugs Act—continued**

- B.14.037.** No person shall sell canned poultry containing gelling agent unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the presence of such gelling agent.
- B.14.038. Canned (naming the poultry) Whole-Pack (Canned [naming the poultry] Bone-In)** shall be canned poultry, and shall contain not less than 52 per cent by weight of the named poultry meat.
- B.14.039. Canned Boneless (naming the poultry) Solid Pack** shall be canned poultry from which the bones and skin have been removed, and shall contain not less than 75 per cent by weight of the named poultry meat and notwithstanding B.14.035 canned boneless chicken solid pack may contain small amounts of added homogenized chicken fat.
- B.14.040. Canned Boneless (naming the poultry) Jellied Pack** shall be canned poultry from which the bones and skin have been removed, and shall contain not less than 50 per cent and not more than 55 per cent by weight of the named poultry meat, and notwithstanding B.14.035 canned boneless chicken jellied pack may contain small amounts of added homogenized chicken fat.
- B.14.041. Sausage (Sausage Meat, Sausage Pudding)** shall be comminuted meat, either fresh or preserved, with added salt and spices, and with or without
- (a) animal fat,
  - (b) cereal,
  - (c) beef tripe,
  - (d) liver,
  - (e) fresh blood from neat cattle, or
  - (f) sugar, dextrose, or glucose,
- and with or without subsequent smoking or cooking, and whether enclosed in a container or not, and any material used as a container for sausage shall be clean and sound and shall impart to the contents no substance other than salt.
- B.14.042. Blood Sausage (Blood Pudding)** shall be sausage to which has been added clean, fresh blood from neat cattle in good health at the time of slaughter.
- B.14.043. Potted Meat (Meat Paste, Meat Spread)** shall be comminuted and cooked, fresh or preserved meat, with or without cereal, salt, and spices, contained in suitable closed containers.
- B.14.044. Potted Meat By-Product (Meat By-Product Paste, Meat By-Product Spread)** shall be made wholly or in part from comminuted and cooked meat by-products and shall otherwise conform to the standard prescribed for potted meat.
- B.14.045. Meat Loaf (Meat Roll, Meat Lunch)** shall be a combination of comminuted, cooked, fresh or preserved meat, with or without cereal, salt, spices, milk, or eggs, pressed into shape.
- B.14.046. Meat By-Product Loaf, Meat and Meat By-Product Loaf** shall be made respectively, wholly or in part, from comminuted and cooked meat by-products and shall otherwise conform to the standard prescribed for meat loaf.



**Food and Drugs Act**—*continued*

**B.14.047.** Any person may use the name of the meat or meat by-product in place of the word *meat* or the words *meat by-product* in naming a prepared meat or prepared meat by-product.

**B.14.048. Head Cheese** shall be the comminuted, cooked, edible parts of swine or other animals, and shall contain

- (a) not less than 50 per cent of head meat,
- (b) no skin other than that naturally adherent to the pork meat used, and may be prepared with or without added gelatin.

**B.14.049. Brawn** shall be head cheese except that it need not contain 50 per cent of head meat.

**B.14.050.** No person shall sell head cheese or brawn containing added gelatin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a declaration of the presence of added gelatin.

*Meat Derivatives*

**B.14.060. Meat Extract** shall be obtained by extracting fresh meat with water and concentrating the liquid portion by evaporation after the removal of fat, and shall contain not less than 75 per cent of total solids, and the solids shall contain

- (a) not more than
  - (i) 12 per cent of sodium chloride calculated from the total chloride present,
  - (ii) 0·6 per cent of fat, and
  - (iii) 27 per cent of ash, and
- (b) not less than 8 per cent of nitrogen, and the nitrogenous compounds shall contain not less than
  - (i) 40 per cent of total meat bases, and
  - (ii) 10 per cent of creatin and creatinin.

**B.14.061. Fluid Meat Extract** shall be meat extract except that it shall be less concentrated and shall contain not more than 75 per cent and not less than 50 per cent of total solids.

**B.14.062. Bone Extract (Stock)** shall be the food obtained by extracting with boiling water clean, fresh, trimmed bones of animals in good health at the time of slaughter, and concentrating the liquid portion by evaporation after removal of the fat, and shall contain not less than 75 per cent of total solids.

**B.14.063. Fluid Bone Extract** shall be bone extract except that it shall be less concentrated and shall contain not more than 75 per cent and not less than 50 per cent of total solids.

**B.14.064. Meat Juice** shall be the fluid portion of muscle fibre obtained by pressure or otherwise, that may be concentrated by evaporation at a temperature below the coagulating point of the soluble proteins, and the solids shall contain not more than

- (a) 2·5 per cent of sodium chloride calculated from the total chloride

**Food and Drugs Act—continued**

present, and

(b) 15 per cent of ash,

and shall contain not more than 4 per cent and not less than 2 per cent of phosphorus calculated as phosphorus pentoxide, and not less than 12 per cent of nitrogen, and the nitrogenous compounds shall contain not less than 35 per cent of coagulable proteins and not more than 40 per cent of meat bases.

DIVISION 15

*Poisonous Substances in Food*

**B.15.001.** No person shall sell any food that has in or upon it any poisonous or injurious ingredient or substance.

**B.15.002.** No person shall sell any package of food the container of which may yield to the contents thereof any poisonous or injurious substance.

**B.15.003.** Subject to these regulations food shall not be deemed to be adulterated within the meaning of the Act if it contains in or upon it, any of the poisonous or injurious substances included in tables A and B of this section in amounts not exceeding the quantities stated for each of the named foods.

TABLE A

Food	Parts Per Million				
	Arsenic calc. as arsenic trioxide	Lead calc. as lead	Copper calc. as copper	Zinc calc. as zinc	Fluorine calc. as fluorine
Citric Acid.....	1	5	50	50	1.4
Tartaric Acid.....	1	10	50	50	1.4
Cream of Tartar.....	2	20	50	50	1.4
Sodium Bicarbonate.....	2	5	50	50	1.4
Baking Powder.....	2	10	50	50	10
Phosphoric Acid.....	5	10	50	50	1.4
Calcium Phosphates.....	5	20	50	50	30
Sodium Phosphate.....	5	5	50	50	1.4
Sodium and Potassium Nitrates.....	1	10	50	50	1.4
Sodium Nitrite.....	1	20	50	50	1.4
Compounds of Aluminium.....	5	20	50	50	1.4
Gelling Agents.....	5	20	50	50	1.4
Fresh Fruits and Vegetables.....	1.4	2.6	50	50	1.4
Waters (Bottled, Mineral, Table).....	0.1	0.2	2	5	1.4
Beverages.....	0.1	0.2	2	5	1.4
Pickles.....	1.4	2.6	10	50	1.4
Tomato Products (on dry basis).....	1.4	2.6	50	50	1.4
Bread and Bakery Products.....	1.4	2.6	50	50	1.4
Other Foods.....	1.4	2.6	50	50	1.4

TABLE B

Food	Parts per Million
	Tin calc. as tin
Canned Foods in tinplate containers.....	300

**Food and Drugs Act—continued**

## DIVISION 16

*Preservatives*

**B.16.001.** The foods referred to in this DIVISION are included in the term *preservative*.

**B.16.002.** No person shall sell as a preservative for food any substance other than those designated in this DIVISION as Class I, Class II, Class III, or Class IV.

**B.16.003.** No person shall sell for use as a preservative for food a Class II, Class III, or Class IV preservative, or any combination thereof unless both the inner and the outer labels of every package of such preservative carry, legibly and conspicuously,

(a) a quantitative statement of composition, and

(b) adequate directions for use in accord with the limits prescribed for such preservative in this DIVISION.

**B.16.004.** No person shall use a preservative in milk.

**B.16.005.** No person shall sell a preservative for use in milk.

**B.16.006.** No person shall use a preservative in or upon a food for which a standard is prescribed unless such preservative is one of the optional ingredients mentioned in such standard.

**B.16.007.** Notwithstanding sub-paragraph (ii) of paragraph (a) of B.01.003 no label declaration is required for the presence of sulphurous acid, including salts thereof, in or upon

(a) glucose,

(b) (naming the source of the glucose) syrup, or

(c) confectionery containing glucose.

**B.16.008.** Notwithstanding sub-paragraph (ii) of paragraph (a) of B.01.003 no label declaration is required for the presence of Class III preservative in or upon

(a) bread,

(b) bakery products, or

(c) process cheese.

**B.16.009.** Class I preservatives shall be

(a) common salt,

(b) sugar,

(c) dextrose,

(d) glucose,

(e) potassium nitrate,

(f) sodium nitrate,

(g) wood smoke,

(h) vinegar,

(i) spices, and

(j) alcohol,

and in cured meats and fresh fish only sodium nitrite of which the proportion shall not exceed 200 parts per million of a finished food.



**Food and Drugs Act—continued**

**B.16.010.** Class II preservatives shall be

- (a) benzoic acid, including salts thereof, and
- (b) sulphurous acid, including salts thereof.

**B.16.011.** No person shall use in or upon a food more than one Class II preservative.

**B.16.012.** No person shall use in or upon a food more than 1,000 parts per million of benzoic acid.

**B.16.013.** Subject to these regulations no person shall use sulphurous acid, calculated as sulphur dioxide, in amounts greater than

- (a) 100 parts per million in or upon beverages,
- (b) 2,000 parts per million in or upon dried fruits, or
- (c) 500 parts per million in or upon other foods.

**B.16.014.** Class III preservatives shall be propionic acid, including salts thereof.

**B.16.015.** No person shall use in or upon a food more than 2,000 parts per million of propionic acid.

**B.16.016.** Class IV preservatives shall be antioxidants being

- (a) gum guaiacum,
- (b) vegetable oil containing tocopherols,
- (c) lecithin,
- (d) citric, tartaric, or ascorbic acid,
- (e) propyl gallate, or
- (f) butylated hydroxyanisole (a mixture of 2-tertiarybutyl-4-hydroxyanisole and 3-tertiarybutyl-4-hydroxyanisole).

**B.16.017.** No person shall use in or upon a food Class IV preservative singly or in combination in an amount by weight of the finished product greater than 0.2 per cent except that in the case of

- (a) propyl gallate the amount shall not be greater than 0.01 per cent, and
- (b) butylated hydroxyanisole the amount shall not be greater than 0.02 per cent.

DIVISION 17

*Salt*

**B.17.001. Salt** shall be crystalline sodium chloride and shall not contain more than

- (a) 1.4 per cent of calcium sulphate, and
- (b) 0.1 per cent of other impurities.

**B.17.002. Free-Running Salt** shall be fine-grained salt to which has been added not more than 1 per cent of material to prevent it from setting or caking.

**Food and Drugs Act—continued**

**B.17.003.** Notwithstanding the provisions of B.17.002 **Free-Running Flour Salt** shall be fine-grained salt to which has been added not more than 2 per cent of material to prevent it from setting or caking.

**B.17.004.** No person shall sell salt or free-running salt for table or general household use unless such salt contains 0.01 per cent of potassium iodide.

## DIVISION 18

*Sweetening Agents*

**B.18.001.** The foods referred to in this DIVISION are included within the term *sweetening agent*.

**B.18.002. Sugar** is the food chemically known as sucrose, and if sold as granulated, loaf, cut, milled, or powdered sugar shall contain not less than 99.5 per cent of sucrose.

**B.18.003. Icing Sugar** shall be powdered sugar with or without  
(a) added colour, or  
(b) not more than 5 per cent by weight of starch.

**B.18.004. Brown Sugar (Yellow Sugar, Golden Sugar)** shall be the soft food made by the partial refinement of the juice of the sugar cane or other sugar producing plant, and shall not contain more than  
(a) 4.5 per cent of moisture, and  
(b) 1.5 per cent of ash,  
and shall contain not less than 90 per cent of sucrose as estimated by the polarimeter.

**B.18.005. Molasses** shall be

- (a) the mother liquor obtained by evaporating the juice of the sugar cane until a large proportion of the sugar has been separated by crystallization, or
- (b) the syrupy food obtained by evaporation and partial inversion of the juice of the sugar cane which juice may or may not be clarified but may not be decolourized,  
and shall not contain more than
- (c) 25 per cent of moisture, or
- (d) 5 per cent of ash,  
and may contain sulphurous acid.

**B.18.006. Refiners' Syrup (Treacle)** shall be the residual liquid food obtained in the process of refining raw sugar, and shall not contain more than

- (a) 25 per cent of moisture, and
- (b) 5 per cent of ash.

**B.18.007. Sugar-cane Syrup** shall be made by evaporation of the juice of the sugar cane, or by the solution of sugar-cane concrete, and shall not contain more than

- (a) 30 per cent of moisture, and
- (b) 2.5 per cent of ash.

**Food and Drugs Act—continued**

**B.18.008. Sorghum Syrup** shall be made by the evaporation of sorghum juice, or by the solution of sorghum concrete, and shall not contain more than

- (a) 30 per cent of moisture, and
- (b) 2·5 per cent of ash.

**B.18.009. Sugar Syrup (Syrup)** shall be made by dissolving sugar in water and shall not contain more than 35 per cent of moisture.

*Dextrose, Glucose*

**B.18.015.** For the purpose of Part B of these regulations **Dextrose** shall be the food chemically known as dextrose, and shall not contain more than 10 per cent of moisture.

**B.18.016. Glucose** shall be a thick, syrupy, nearly colourless food made by incomplete hydrolysis of starch or of a starch-containing substance, and shall not contain

- (a) more than 22 per cent of moisture,
- (b) more than 1 per cent of ash, and
- (c) less than 40 per cent of reducing sugars, calculated as dextrose on a moisture-free basis,

and may contain sulphurous acid.

**B.18.017. (naming the source of the glucose) Syrup** shall be a combination of glucose with a sweetening agent, except honey, with or without the addition of a flavouring preparation, and shall not contain more than

- (a) 35 per cent of moisture, and
- (b) 3 per cent of ash.

*Honey*

**B.18.025. Honey** shall be the food derived entirely from the work of bees operating upon the nectar of flowers and other sweet exudation of plants, and shall not contain more than

- (a) 20 per cent of moisture,
- (b) 5 per cent of sucrose, and
- (c) 0·25 per cent of ash,

and shall contain not less than 60 per cent of invert sugar.

**B.18.026.** No person shall use the word *honey* or any word, mark, illustration, or device that suggests honey on the label of any package of, or in any advertisement for, any food that resembles honey and that is not pure honey.

**B.18.027.** Notwithstanding the provisions of B.18.026 combinations of honey with one or more other finished commercial food products, where honey is used as the sole sweetening agent, shall be named with the true names of all the ingredients, including honey, in type of equal size, the predominating ingredient being named first in each instance and the word *honey* being preceded or followed by the conjunction *and* in such a way as to indicate beyond question the true nature of the product.



**Food and Drugs Act—continued**

## DIVISION 19

*Synthetic Sweeteners*

- B.19.001.** No person shall use synthetic sweeteners such as saccharin in manufacturing food except food manufactured for the exclusive use of persons suffering from disease, and when synthetic sweeteners are so used their presence shall be legibly and conspicuously declared by name on the main panel of both the inner and the outer labels of the package containing the food together with the statement "Prepared for the exclusive use of persons suffering from disease".
- B.19.002.** No person shall sell any synthetic sweetener to the general public unless both the inner and the outer labels of every package of such synthetic sweetener carry, legibly and conspicuously, "(naming the synthetic sweetener) is a chemical substance without nutritive value. It should be used in moderation".

## DIVISION 20

*Tea*

- B.20.001. Tea** shall be the leaves and buds of various species of the genus *Thea* L., varieties of *Camellia Thea* Link, prepared by the usual trade processes.
- B.20.002. Black Tea** shall contain, on the dry basis, not less than 30 per cent of water-soluble extractive as determined by the method employed by the Food and Drug Laboratories, and not less than 4 per cent and not more than 7 per cent of total ash.
- B.20.003. Green Tea** shall contain, on the dry basis, not less than 33 per cent of water-soluble extractive as determined by the method employed by the Food and Drug Laboratories, and not less than 4 per cent and not more than 7 per cent of total ash.

## DIVISION 21

*Vinegar*

- B.21.001. Vinegar** shall be the liquid obtained by the acetous fermentation of an alcoholic liquid, and shall contain not less than 4.1 per cent or more than 12.3 per cent of acetic acid ( $\text{CH}_3\text{COOH}$ ), and may be coloured by the addition of caramel.
- B.21.002.** No person shall sell spirit vinegar, or any blended vinegar containing spirit vinegar, that contains caramel.
- B.21.003.** No person shall sell any vinegar that has been subjected to distillation after completion of the acetous fermentation unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of such distillation.
- B.21.004.** No person shall sell any vinegar the label of or advertisement for which makes any reference by any mark or device to the strength of the vinegar unless the label bears a conspicuous statement of the percentage content of acetic acid of such vinegar.

**Food and Drugs Act**—*continued*

- B.21.005. Wine Vinegar** shall be vinegar made by the alcoholic and subsequent acetous fermentation of the juice of grapes.
- B.21.006. Spirit Vinegar (Alcohol Vinegar, Grain Vinegar)** shall be vinegar made by the acetous fermentation of diluted distilled alcohol.
- B.21.007. Malt Vinegar** shall be vinegar made by the alcoholic and subsequent acetous fermentation of an infusion of malt undistilled prior to such fermentation with or without the addition of other cereals and shall be dextro-rotatory, and shall contain in 100 millilitres, measured at a temperature of 20°C, not less than
- (a) 1·8 grams of solids, and
  - (b) 0·2 gram of ash.
- B.21.008. Cider Vinegar (Apple Vinegar)** shall be vinegar made by the alcoholic and subsequent acetous fermentation of the liquid expressed from whole apples, apple cores, apple trimmings, or apple culls.
- B.21.009. (naming the source) Vinegar** shall be vinegar made from alcoholic liquids from various sources.
- B.21.010. Blended Vinegar** shall be a combination of two or more varieties of vinegar of which spirit vinegar shall not constitute more than 55 per cent by volume.
- B.21.011.** No person shall name any of the varieties of vinegar forming a blended vinegar unless both the inner and the outer labels of every package of such blended vinegar carry, legibly and conspicuously, a complete list of all the varieties of vinegar present, in descending order of proportionate content.

DIVISION 22

*Bottled Water*

- B.22.001.** The foods referred to in this DIVISION when offered for sale in special containers under a trade or proprietary brand or name are included within the term *bottled water*.
- B.22.002. Table Water** shall be bottled water characterized by exceptional purity or by containing material that renders it peculiarly suitable for table use.
- B.22.003. Mineral Water** shall be bottled water characterized by having in solution notable amounts of mineral matter on account of which mildly hygienic or therapeutic properties are claimed, and where it is not specially active physiologically it may be designated in the alternative as table water.
- B.22.004.** Natural bottled water shall be bottled water that is bottled without modification other than filtration and if its composition closely approximates that of water from a well-known source it may be designated by the name of such source provided the name of the said source is followed by the word *type* in identical type on identical background.

**Food and Drugs Act—continued**

- B.22.005.** No person shall sell any natural bottled water unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the name and location of the actual place of production.
- B.22.006.** Artificial mineral water shall be bottled water prepared by dissolving salts in water, or by subjecting natural water to such treatment as carbonation, sterilization, or dilution, or by diluting a concentrate obtained from or supposed to be characteristic of a specified source.
- B.22.007.** No person shall sell an artificial mineral water unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,
- (a) the word *artificial* in type of the same size and visibility as the words *mineral water*, or
  - (b) a statement of the nature of the treatment, and where the treatment is a dilution with water of lower mineral content
  - (c) a statement of the degree of such dilution, that is to say the volumes of water of lower mineral content per 100 volumes of water of higher mineral content,
- and where the composition of artificial bottled water closely approximates that of water from a well-known source such labels may carry the name of such source provided that
- (d) the name of the said source is followed by the word *type* in identical type on identical background, and
  - (e) the name of the said source and the word *type* shall be in type no larger and no more conspicuous than the words *artificial mineral water*.

## DIVISION 23

*Marine Animal Products*

- B.23.001.** The foods referred to in this DIVISION are included in the term *marine animal product*.
- B.23.002.** In this DIVISION marine animal includes
- (a) fish, crustaceans, molluscs, and
  - (b) marine mammals.
- B.23.003.** In this DIVISION
- (a) fish, except where the context otherwise requires, is the clean, dressed, edible portion of fish, crustaceans and molluscs,
  - (b) meat is the clean, dressed flesh of marine mammals,
  - (c) meat by-product shall be the clean parts, other than meat, derived from marine mammals.
- B.23.004.** Notwithstanding the provisions of B.23.003, no person shall manufacture or sell as food mucous membranes, any organ or portion of the genital system, or any organ or portion of a marine mammal that is not commonly sold as an article of food.



**Food and Drugs Act—continued**

**B.23.005.** Prepared fish, prepared meat, or prepared meat by-product shall be fish, meat, or meat by-product, whether comminuted or not, that is preserved, canned, frozen, cooked, or any combination of the foregoing and, subject to these regulations, with or without any other ingredient, and shall include fish, meat, or meat by-product to which, subject to these regulations, has been added any other ingredient.

**B.23.006.** A food that consists wholly or in part of a meat by-product shall be labelled, legibly and conspicuously,

- (a) with the words "meat by-product", or
- (b) with the name of the meat by-product in place of the words *meat by-product*.

**B.23.007.** Fish derivative or meat derivative shall be a food other than fish, meat, or prepared meat that is derived respectively from fish, from meat, or from bone.

**B.23.008.** In this DIVISION cereal means

- (a) flour or meal prepared from grain or potato, but not from a legume, and
- (b) bread, biscuit, or bakery products, but not those containing or made with a legume, and includes
- (c) milk powder, skim milk powder, buttermilk powder, and powdered whey.

**B.23.009. Fish Binder** shall be any combination of cereal, salt, sugar, dextrose, glucose, spices, and other seasonings that is used in the preparation of prepared fish.

**B.23.010. Sausage Binder** shall be any combination of cereal, salt, sugar, dextrose, glucose, spices, and other seasonings that is used in the manufacture of prepared meat or prepared meat by-product.

**B.23.011.** No person shall sell fish binder or fish sausage binder unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, adequate directions for use in accordance with the limits prescribed in this Division for the cereal content of prepared fish, prepared meat, or prepared meat by-product.

*Fish*

**B.23.015.** No person shall sell fish that contains a larger proportion of moisture than the fish normally contains.

**B.23.016.** Shucked oysters shall be the flesh of oysters removed from the shell.

**B.23.017.** No person shall sell shucked oysters that contain more than 10 per cent of fluid separable by draining for 5 minutes through a 10-mesh sieve (designated 1680 Microns in the Canadian Government Purchasing Standards Specification 8-GP-1).

*Prepared Fish*

**B.23.030.** No person shall sell prepared fish that contains

- (a) a larger proportion of moisture than the fish from which it is prepared contains when in its fresh condition, or

**Food and Drugs Act—continued**

- (b) more than 4 per cent of cereal calculated as dextrose as determined by the acid hydrolysis method employed by the Food and Drug Laboratories.

**B.23.031.** No person shall sell prepared fish that contains more than 70 per cent of moisture where such prepared fish contains cereal.

**B.23.032.** Where any fish is named upon the label of or in any advertisement for a prepared fish for which a standard is prescribed such label or advertisement shall carry also a complete list of all fish used, in descending order of proportionate content, and such list may form part of the name of the prepared fish.

**B.23.033.** Preserved fish shall be unmixed cooked or uncooked fish, salted, pickled, corned, cured, or smoked, preserved by a Class I preservative.

**B.23.034.** Canned fish, crustaceans, or molluscs shall be fish, crustaceans, or molluscs processed or preserved, and packed in hermetically sealed containers.

**B.23.035. Fish Sausage (Fish Sausage Meat)** shall be comminuted fish either fresh or preserved, with added salt and spices, and with or without

(a) animal fat,

(b) cereal, or

(c) sugar, dextrose, or glucose,

and with or without subsequent smoking or cooking, and whether enclosed in a container or not, and any material used as a container for fish sausage shall be clean and sound and shall impart to the contents no substance other than salt.

**B.23.036. Potted Fish (Fish Paste, Fish Spread)** shall be comminuted and cooked, fresh or preserved fish with or without cereal, salt, and spices, contained in suitable closed containers.

**B.23.037. Fish Loaf (Fish Roll, Fish Lunch)** shall be a combination of comminuted, cooked, fresh or preserved fish, with or without cereal, salt, spices, milk, or eggs, pressed into shape.

**Part C****DRUGS****DIVISION 1***General*

**C.01.001.** No person shall sell a package of drug that is not labelled.

**C.01.002.** The provisions of C.01.001 do not apply to a person who packages a drug from bulk on the premises where the drug is retailed; but where any such packaged drug bears any statement, mark, or device regarding the ingredients or substances contained therein other than

(a) the name of the drug,

**Food and Drugs Act—continued**

- (b) the name and address of the retailer, and
  - (c) the net contents,
- it shall be labelled as required by the Act and by these regulations.

**C.01.003.** Subject to these regulations no person shall sell a drug unless the label of every package thereof carries, legibly and conspicuously,

- (a) on the main panel of both the inner and the outer labels
  - (i) the proper name; except that where the authority for the proper name is not these regulations or the British Pharmacopoeia such authority shall be named and, where there is a proprietary or brand name, such proper name shall immediately follow or precede the said proprietary or brand name in type of not less than one-half the size thereof, or
  - (ii) if there is no proper name, the common name,
- (b) on both the inner and the outer labels
  - (i) the name of the manufacturer or distributor,
  - (ii) the address of the manufacturer or distributor, except upon the inner label where the immediate container contains 2 millilitres or less,
  - (iii) the lot number of a drug manufactured for parenteral use, and
  - (iv) a complete list of the medicinal ingredients contained in the drug, the proper or the common name of each being used, except upon
    - (1) shipping cases or wrapping material,
    - (2) official drugs,
    - (3) drugs sold on prescription, or
    - (4) medicines registered under the Proprietary or Patent Medicine Act, and
- (c) on the outer label
  - (i) a statement of the net contents as required by paragraph (f) of section seven of the Act, and
  - (ii) the name and proportion of any preservative present in a drug manufactured for parenteral use.

**C.01.004.** No person shall sell a drug that contains a drug named or included in Appendix II to these regulations, unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of

- (a) the quantitative proportionate content of the drug so named or included in Appendix II, and
- (b) the recommended single and daily dose that shall not exceed the limits prescribed for the drug in Appendix II.

**C.01.005.** The provisions of C.01.004 do not apply to a drug

- (a) used solely for veterinary purposes,
- (b) not advertised to the general public, or
- (c) sold on prescription.

**C.01.006.** The proper name of any drug included in Appendix III to these regulations shall be the name by which it is designated in the column therein headed *Proper Names*.



**Food and Drugs Act—continued**

**C.01.007.** Except where the quantity of the contents marked on a package of drug is stated in terms of minimum weight, measure, or number there shall be permitted from the stated quantity variations

- (a) due exclusively to weighing, measuring, or counting that occur in packaging conducted in compliance with good commercial practice and that shall be as often as much above as below the marked quantity,
- (b) due exclusively to differences in the capacity of containers, resulting solely from unavoidable difficulties in manufacturing, and no greater variation shall be permitted because of the design of the containers than is permitted in the case of containers of similar capacity that can be manufactured so as to be of approximately uniform capacity,
- (c) in weight or measure that unavoidably result from the ordinary and customary exposure of the package to evaporation or to the absorption of water under normal atmospheric conditions,
- (d) for a drug put up in ampoules and not prepared ready for injection as included in the following table

Labelled amount per ampoule	Limits of variability of the labelled amount
More than 50 mg.	Not less than 95 per cent and not more than 105 per cent
More than 25 mg. and not more than 50 mg.	Not less than 90 per cent and not more than 110 per cent
Not more than 25 mg.	Not less than 80 per cent and not more than 120 per cent

and

- (e) for a drug put up in tablet or any other individual dosage or dispensing form other than in ampoules as included in the following table

Labelled amount per tablet	Limits of variability of the labelled amount
Not less than 5 grains	Not less than 94 per cent and not more than 106 per cent
Not less than $\frac{1}{2}$ grain and less than 5 grains	Not less than 93 per cent and not more than 107 per cent
Not less than $\frac{1}{20}$ grain and less than $\frac{1}{2}$ grain	Not less than 92 per cent and not more than 108 per cent
Not less than $\frac{1}{100}$ grain and less than $\frac{1}{20}$ grain	Not less than 91 per cent and not more than 109 per cent
Less than $\frac{1}{100}$ grain	Not less than 90 per cent and not more than 110 per cent

except that

- (i) glyceryl trinitrate shall contain not less than 85 per cent and not more than 115 per cent of the labelled amount, and
- (ii) if the drug consists of several ingredients, the amount of each ingredient so dispensed shall be not less than 90 per cent and not more than 110 per cent of the amount calculated from the label description.

**Food and Drugs Act—continued**

**C.01.008.** No person shall sell a drug put up in ampoules for parenteral use unless each ampoule of the drug contains an excess volume as prescribed in the following table

Declared volume of contents	Excess for Mobile Solutions	Excess for Viscous Solutions
0.5 cc.....	0.10 cc.	0.12 cc.
1.0 cc.....	0.10 cc.	0.15 cc.
2.0 cc.....	0.15 cc.	0.25 cc.
5.0 cc.....	0.30 cc.	0.50 cc.
10.0 cc.....	0.50 cc.	0.70 cc.
20.0 cc.....	0.60 cc.	0.90 cc.
50.0 cc.....	1.00 cc.	1.50 cc.
100.0 cc.....	2.00 cc.	3.00 cc.

**C.01.009.** No person shall sell a drug that is a hypodermic tablet that does not completely dissolve in and form a clear solution with water.

**C.01.010.** No person shall sell seidlitz powders in a container unless

- (a) the cubical content of the container, when calculated from the outside dimensions thereof, does not exceed 2 cubic inches for each such powder, and
- (b) the main panel of the main label of the container carries a statement of the net contents with special prominence and in figures not less than one-half inch in height in solid type on a light background in conjunction with the word *powders* printed in solid block type not less than three-sixteenths of an inch in height, and for the purpose of this section the word *powder* shall mean a set of two individual component powders one in a white wrapping and the other in a blue wrapping.

**C.01.011.** No person shall sell mercuric chloride tablets for household use that are packaged in lots of two hundred or less unless

- (a) such tablets are
  - (i) of an irregular or angular shape,
  - (ii) coloured blue, and
  - (iii) packed in an immediate container that is readily distinguishable by touch, and
- (b) the main panel of both the inner and the outer labels of every package of such tablets carries, legibly and conspicuously, in prominent type and in a colour contrasting to that of such labels
  - (i) the design of a skull and cross-bones, and
  - (ii) the word *poison*.

**C.01.012.** No person shall sell cod liver oil in a package unless both the inner and the outer labels thereof carry, legibly and conspicuously, a statement

- (a) in International Units per gram of both the vitamin A and the vitamin D content, and
- (b) of the recommended dosage that, irrespective of the age of the consumer, shall not exceed per day two teaspoonfuls or
  - (i) 10,000 International Units of vitamin A, and
  - (ii) 2,000 International Units of vitamin D.

**Food and Drugs Act—continued**

**C.01.013.** No person shall sell a preparation of coal tar derivatives that purports to be of value as a disinfectant, germicide, or the like, unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the phenol coefficient of the preparation as determined by the method employed by the Laboratory of Hygiene.

**C.01.014.** No person shall import for internal or external use for man or animal a drug or a preparation containing a drug named or included in Appendix IV to these regulations.

**C.01.015.** Notwithstanding the provisions of C.01.014 a drug named or included in Appendix IV may be imported by a

- (a) physician,
- (b) dentist,
- (c) veterinary surgeon,
- (d) drug manufacturer,
- (e) wholesale druggist,
- (f) retail druggist,
- (g) resident of a foreign country visiting Canada from such foreign country, or
- (h) resident of Canada who has been attended in a foreign country by a physician or dentist of that country and who imports such drug from such foreign country as a continuing treatment.

**C.01.016.** No person shall sell a drug or a preparation containing a drug named or included in Appendix IV except on prescription, nor shall any person refill such prescription unless the prescriber thereof so directs in writing thereon.

**C.01.017.** Notwithstanding the provisions of C.01.016 a drug or a preparation containing a drug named or included in Appendix IV may be sold without a prescription to a

- (a) physician,
- (b) dentist,
- (c) veterinary surgeon,
- (d) drug manufacturer,
- (e) wholesale druggist, or
- (f) retail druggist.

**C.01.018.** Notwithstanding the provisions of C.01.016 a registered pharmacist may sell, without a prescription, to an owner of livestock who is known to him or to whom he has been introduced by a person known to both the owner and the pharmacist,

- (a) penicillin, its salts or derivatives, or preparations thereof, and
- (b) sulphonamides, their salts and derivatives, or a preparation of any of them

for the veterinary treatment of the owner's livestock.

**C.01.019.** Subject to the provisions of C.01.018 the pharmacist shall record

- (a) the date of each sale,
- (b) the name, address, and signature of the owner,
- (c) the name and quantity of the drug so sold,



**Food and Drugs Act—continued**

- (d) the kind of livestock and the purpose for which the drug sold is required, and
  - (e) the name and signature of the person introducing the owner when such owner is unknown to the pharmacist,
- and shall retain such record for a period of two years.

**C.01.020.** Subject to the provisions of C.01.018 no registered pharmacist shall sell a drug containing more than

- (a) 8 ounces in respect of one animal, or
  - (b) 16 ounces in respect of more than one animal
- of sulphonamides, their salts and derivatives.

**C.01.021.** Notwithstanding the provisions of C.01.016 and C.01.018, officers of the provincial departments of agriculture whose duties so require may supply to an owner of livestock

- (a) penicillin, its salts or derivatives, or preparations thereof, and
  - (b) sulphonamides, any salt, homologue, or derivative thereof
- for the veterinary treatment of the owner's livestock.

**C.01.022.** No person shall sell if intended for veterinary use

- (a) penicillin, its salts or derivatives, or preparations thereof,
- (b) sulphonamides, their salts and derivatives, or a preparation of any of them

unless both the inner and the outer labels of every package thereof are distinctly overprinted in hollow type in a distinctive colour with the words "*FOR VETERINARY USE ONLY*".

**C.01.023.** No person shall sell penicillin, its salts or derivatives, or preparations thereof, for other than parenteral use, unless

- (a) made from penicillin of a potency of not less than 500 International Units per milligram,
- (b) both the inner and the outer labels of every package thereof carry, legibly and conspicuously,
  - (i) a declaration in International Units of the penicillin content per gram in the case of solids, per cubic centimetre in the case of liquids, or per individual dosage or dispensing form in the case of products put up in individual dosage or dispensing form,
  - (ii) the expiration date, that shall be not more than 12 months after the date of manufacture except that
    - (1) for tablets made from crystalline penicillin the expiration date shall be not more than 24 months after the date of manufacture,
    - (2) for crystalline penicillin powders as for inhalation therapy the expiration date shall be not more than 18 months after the date of manufacture, and
    - (3) for penicillin bougies for veterinary use made with a polyethylene glycol base the expiration date shall be not more than 6 months after the date of manufacture, and
  - (iii) a statement that the drug should be stored in a cool, dry place below 60°F, but this statement is not required for tablets, troches, or powders, made from crystalline penicillin, and
- (c) the total penicillin content thereof at the time of manufacture does not exceed 125 per cent of the potency declared upon the label.

**Food and Drugs Act**—*continued*

**C.01.024.** No person shall import a drug unless in addition to its meeting the standards prescribed by the Act and regulations it also conforms to the standards of quality and potency maintained by the country from which the drug is exported.

**C.01.025.** No person shall sell a drug prepared for parenteral use that contains a preservative ingredient unless such ingredient

(a) is added only in such amount as is deemed to be non-toxic and harmless in the dosage in which the drug is recommended to be used, and

(b) does not interfere with the therapeutic properties of the drug.

**C.01.026.** No person shall sell a drug prepared for parenteral use unless, where applicable, the drug is tested for

(a) the presence of pyrogens and is pyrogen-free,

(b) sterility and is sterile, and

(c) safety and is safe when used according to directions.

**C.01.027.** No person shall sell a drug prepared for parenteral use unless the immediate container of the drug is of such material and construction that

(a) no deleterious substance is yielded to the contents thereof, and

(b) it permits of visual inspection of the contents of the container.

**C.01.028.** When an antibiotic is used to manufacture a preparation not intended for parenteral use, the expiration date on the label of the final product shall be calculated in accordance with

(a) the provisions of C.01.023 (b) (ii), and

(b) the date of manufacture defined as the date when the final product is made,

provided that the expiration date appearing on the label of the final product is not later than the expiration date of the original antibiotic from which it is made.

**C.01.029.** Where on the label or otherwise use is made of a term referring to a drug, which term is the subject of definition or meaning established by a statute of the Parliament of Canada, or regulation made thereunder, such use shall be deemed to be a false, exaggerated, or misleading claim unless it conforms with such definition or meaning.

## DIVISION 2

*Sex Hormones*

**C.02.001.** The drugs referred to in this DIVISION are included in the term *sex hormone* as mentioned or described in PART I of SCHEDULE B to the Act.

**C.02.002.** Sex hormone includes all synthetic or natural products purporting to have oestrogenic, androgenic, gonadotrophic, or progestational properties and any drug consisting in whole or in part of sex gland tissue or any extract thereof.

**C.02.003.** Standard preparations of sex hormones shall be those kept in the Food and Drug Laboratories from whence portions for comparative testing may be had upon application to the Chief Dominion Analyst.

**Food and Drugs Act**—*continued*

**C.02.004.** Canadian Reference Standard for sex hormone products means, where applicable, a standard established and kept by the Food and Drug Laboratories.

**C.02.005.** Subject to these regulations the potency of a sex hormone shall be stated, where applicable, in terms of the International Standard or in terms of the Canadian Reference Standard and in either case shall be determined by the methods employed by the Food and Drug Laboratories, but when neither of these standards exists the manufacturer of sex hormone products shall

- (a) submit a suitable quantity of the product to be used as a Canadian Reference Standard for checking the uniformity of the product, or
- (b) where stable standards cannot be furnished by the manufacturer, include with every package of the sex hormone details of the unit of potency and the method of assay used.

**C.02.006.** The proper names of

- (a) pure synthetic or natural crystalline sex hormones shall be, respectively
  - (i) **Oestrone,**
  - (ii) **Oestradiol,**
  - (iii) **Oestriol,**
  - (iv) **Stilboestrol,**
  - (v) **Androsterone,**
  - (vi) **Testosterone,**
  - (vii) **Progesterone,**
 and esters and derivatives of these,
- (b) mixed or impure sex hormones shall be, respectively
  - (i) **Conjugated Oestrogenic Substance,**
  - (ii) **Oestrogenic Substance,**
  - (iii) **Androgenic Substance,**
  - (iv) **Progestational Substance,** and
- (c) gonadotrophins shall be **Gonadotrophin** with a qualifying word to indicate the source.

**C.02.007.** No person shall sell any sex hormone unless the label of every package thereof carries, legibly and conspicuously,

- (a) on both the inner and the outer labels
  - (i) the name of the manufacturer,
  - (ii) the proper name,
  - (iii) the potency, and
  - (iv) the lot number, and
- (b) on the outer label
  - (i) the address of the manufacturer,
  - (ii) the name of the solvent or vehicle used in distributing products in liquid form,
  - (iii) the name and amount of any preservative,
  - (iv) a caution that the product is to be used only on the advice or on the prescription of a physician,



**Food and Drugs Act—continued**

- (v) a statement of net contents as required by paragraph (f) of section seven of the Act, and
- (vi) for gonadotrophins in aqueous solution, the expiration date that shall not be more than 12 months after the date of assay.

**C.02.008.** Notwithstanding the provisions of C.02.007 no person shall sell any sex hormone consisting in whole or in part of sex gland tissue or extracts thereof for which no proper name is prescribed in C.02.006 and for which no standard of potency exists unless the label of every package thereof carries, legibly and conspicuously,

- (a) on both the inner and the outer labels
  - (i) the name of the manufacturer,
  - (ii) the common name, and
  - (iii) the lot number, and
- (b) on the outer label
  - (i) the address of the manufacturer,
  - (ii) the name and amount of any preservative,
  - (iii) the name of the solvent or vehicle used in distributing products in liquid form,
  - (iv) a statement of net contents as required by paragraph (f) of section seven of the Act, and
  - (v) the statement, "The sex gland tissue (or extract as the case may be) in this preparation has no known therapeutic sex hormone action".

**C.02.009.** Notwithstanding the provisions of C.02.007 no person shall sell a preparation, containing any sex hormone, manufactured for use as a cosmetic unless the label of every package thereof carries, legibly and conspicuously,

- (a) on both the inner and the outer labels
  - (i) the name of the manufacturer,
  - (ii) the address of the manufacturer,
  - (iii) the name of the preparation,
  - (iv) a list of the medicinal ingredients, and
  - (v) the statement, "This preparation contains a potent sex hormone. Use with care", and
- (b) on the outer label
  - (i) a statement of net contents as required by paragraph (f) of section seven of the Act.

**DIVISION 3****Drugs of Part II of Schedule B to the Act**

**C.03.001.** Notwithstanding anything contained in these regulations, in this DIVISION

- (a) "drug" means a drug mentioned or described in PART II of SCHEDULE B to the Act that is intended for the diagnosis, prevention, or treatment of disease in man, and for which specific requirements are provided in this DIVISION,
- (b) "licence" means a licence issued according to the provisions of this DIVISION,

**Food and Drugs Act—continued**

- (c) "manufacturer" means a manufacturer holding a licence under the provisions of this Division, and
- (d) "master lot" means a quantity of drug from which a lot is prepared for sale by subsequent dilution or mixture.

**C.03.002.** No person shall manufacture a drug, in whole or in part, without a licence.

**C.03.003.** All materials and equipment that accompany any package of drug, and that are intended to be used in its administration shall be deemed to form a part of the drug.

**C.03.004.** Application for a licence shall be made to the Minister on a form that may be obtained from him on request.

**C.03.005.** An application for a licence shall be accompanied by a fee of ten dollars payable to the Receiver General of Canada.

**C.03.006.** Subject to the provisions of C.03.004 and C.03.005 the Minister may issue a licence to a manufacturer to manufacture one or more drugs, and may cancel or suspend any licence with respect to any one or more drugs covered thereby.

**C.03.007.** A licence shall continue in force for twelve months from April first of the year of issue thereof unless cancelled or suspended.

**C.03.008.** The Minister may require an inspection of an establishment and an examination of the drug for the manufacture of which a licence is desired prior to issuing a licence, and may further require an inspection of the establishment at any subsequent time, and a fee of ten dollars may be charged for the inspection.

**C.03.009.** Where a licence is refused, cancelled, or suspended, all conditions that were made the basis of refusal, cancellation, or suspension, shall be corrected by the manufacturer before such licence is granted or renewed.

**C.03.010.** The Minister may cause to be published in *The Canada Gazette*, notice of cancellation or suspension of a licence.

**C.03.011.** A person who holds a licence to manufacture a drug outside of Canada shall file with the Minister the names and addresses of his Canadian representatives, who shall be required to maintain the same records of the distribution in Canada of such drug that are required of domestic manufacturers, and failure to maintain such records shall constitute grounds for cancellation of the licence.

**C.03.012.** A manufacturer shall maintain his premises under the direct control and personal supervision of a responsible, qualified person.

**C.03.013.** A manufacturer shall notify the Minister promptly of changes in

- (a) responsible personnel,
- (b) plant design or organization, and
- (c) principles of manufacture.

**Food and Drugs Act—continued**

**C.03.014.** Subject to these regulations a manufacturer shall keep records in form satisfactory to the Minister of each lot of a drug respecting

- (a) its manufacture,
- (b) its testing,
- (c) its disposition, and
- (d) its distribution,

and in each case the date thereof.

**C.03.015.** Upon written request from the Chief Dominion Analyst a manufacturer shall submit protocols of tests together with samples of any lot or master lot of any drug prior to its being sold, and no person shall sell any lot of which the protocol or sample fails to meet the requirements of these regulations.

**C.03.016.** A manufacturer shall notify the Minister immediately of any deficiency or alleged deficiency concerning the quality, safety, or efficacy of any drug manufactured by him.

**C.03.017.** A manufacturer shall withdraw from sale and shall recall any drug that in the opinion of the Minister is deficient in any respect.

**C.03.018.** No person shall import or sell any drug that does not meet any test required by these regulations.

**C.03.019.** A manufacturer shall test each filling of each lot of a drug for sterility by a method acceptable to the Food and Drug Laboratories and it shall be sterile.

**C.03.020.** A manufacturer shall test, after the final containers of a drug have been labelled, each filling of each lot of a drug, where applicable, by a method acceptable to the Food and Drug Laboratories for

- (a) identity, and it shall be true to name,
- (b) safety by animal inoculation, and it shall be safe, and
- (c) pyrogens, and it shall be pyrogen-free.

**C.03.021.** No person shall manufacture a drug from animal tissue unless such tissue has been obtained from a healthy animal free from infectious disease, and this requirement shall be deemed to have been met if the animal tissue is the subject of a certificate under the Meat and Canned Foods Act.

**C.03.022.** Subject to these regulations, no person shall sell a drug specified in this Division unless the label of every package thereof carries, legibly and conspicuously,

- (a) on both the inner and the outer labels
  - (i) the name of the manufacturer, and the proper name of the drug,
  - (ii) the potency of the drug, and
  - (iii) the lot number, and
- (b) on the outer label
  - (i) the address of the manufacturer,
  - (ii) the Canadian Licence number of the manufacturer,



**Food and Drugs Act—continued**

- (iii) the expiration date of the drug,
- (iv) the name and amount of any preservative in the drug, and
- (v) a statement of the net contents as required by paragraph (f) of section seven of the Act.

*Liver Extract Injectable*

**C.03.030.** Liver extract injectable shall be the soluble, thermostable fraction of mammalian livers that, on administration to persons affected with pernicious anaemia, increases the number of red blood corpuscles in their blood.

**C.03.031.** Every manufacturer of liver extract injectable shall submit to the Minister, on forms supplied by him, details of the method of manufacture and protocols of tests performed by a method acceptable to the Food and Drug Laboratories and the tests shall be carried out with different lots of the drug, that have been prepared in an identical manner, on at least three patients and such tests shall demonstrate to the satisfaction of the Minister that the liver extract injectable has the potency claimed.

**C.03.032.** No manufacturer shall sell liver extract injectable unless the information required by C.03.031 is supplied

- (a) before a licence is granted,
- (b) every two years from current lots, and
- (c) when alterations are made in the method of manufacture.

**C.03.033.** Liver extract injectable shall be of a potency of 2 units, or 10 units, or 15 units per cubic centimetre.

**C.03.034.** Multiple-dose containers of liver extract injectable shall contain a preservative.

**C.03.035.** The proper name of liver extract injectable shall be **Liver Extract Injectable (2 Units per cc.)**, or **Liver Extract Injectable (10 Units per cc.)**, or **Liver Extract Injectable (15 Units per cc.)**.

**C.03.036.** Liver extract injectable with other medication shall meet all the requirements of liver extract injectable and the true nature and amount of added medication shall be stated on the label with observance of any requirement of these regulations in respect of such added medication, and its proper name shall be **Liver Extract Injectable (2 Units per cc.) With Other Medication**, or **Liver Extract Injectable (10 Units per cc.) With Other Medication**, or **Liver Extract Injectable (15 Units per cc.) With Other Medication**, but in each case the words *Other Medication* may be replaced by the proper name of such other medication.

**C.03.037.** The expiration date of liver extract injectable shall not be more than 18 months after the date of filling into the final container.

*Insulin, Insulin made from Zinc-Insulin Crystals*

**C.03.050.** Insulin is the active principle of the pancreas that affects the metabolism of carbohydrates in the animal body and is of value in the treatment of *diabetes mellitus*.

**Food and Drugs Act—continued**

- C.03.051.** Insulin, insulin made from zinc-insulin crystals when prepared for parenteral use shall be a clear, colourless or almost colourless solution free from turbidity and from insoluble matter and shall contain, weight by volume,
- (a) not less than 0·1 per cent and not more than 0·25 per cent of either phenol or cresol, and
  - (b) not less than 1·4 per cent and not more than 1·8 per cent of glycerin,
- and shall have a pH between 2·5 and 3·5 as determined with a glass electrode.
- C.03.052.** The quantity of nitrogen found for each 100 International Units of insulin shall not be more than 0·65 milligram for insulin made from zinc-insulin crystals, and not more than 0·85 milligram for insulin other than that made from zinc-insulin crystals, as determined by the method employed by the Food and Drug Laboratories.
- C.03.053.** The quantity of zinc found for each 1,000 International Units of insulin shall be not less than 0·16 milligram and not more than 0·4 milligram for insulin made from zinc-insulin crystals, and not more than 0·4 milligram for insulin other than that made from zinc-insulin crystals, as determined by the method employed by the Food and Drug Laboratories.
- C.03.054.** The quantity of ash found for each 1,000 International Units of insulin shall not be more than 1·0 milligram, as determined by the method employed by the Food and Drug Laboratories.
- C.03.055.** The zinc-insulin crystals used for the preparation of insulin made from zinc-insulin crystals shall contain
- (a) not less than 22 International Units of insulin per milligram,
  - (b) on the dry basis, not less than 0·45 per cent and not more than 0·90 per cent of zinc, and
  - (c) an ash content of not more than 1·5 times the zinc content.
- C.03.056.** The proper name of insulin shall be **Insulin** and if wholly prepared from zinc-insulin crystals may be **Insulin made from Zinc-Insulin Crystals**.
- C.03.057.** The potency of insulin, or of insulin made from zinc-insulin crystals shall be expressed in units per cubic centimetre.
- C.03.058.** The unit of potency of insulin or of insulin made from zinc-insulin crystals shall be the International Unit.
- C.03.059.** No person shall sell insulin unless both the inner and the outer labels of every package of each strength thereof are, respectively, printed in
- (a) black ink on yellow coloured stock for 40 units per cc.,
  - (b) black ink on green coloured stock for 80 units per cc., and
  - (c) black ink on red coloured stock for 100 units per cc.
- C.03.060.** No person shall sell insulin made from zinc-insulin crystals unless both the inner and the outer labels of every package of each strength thereof are, respectively, printed in

**Food and Drugs Act—continued**

- (a) red ink on grey coloured stock for 40 units per cc., and
- (b) green ink on grey coloured stock for 80 units per cc.

**C.03.061.** No person shall sell insulin or insulin made from zinc-insulin crystals

- (a) except in containers of approximately 10 cc. capacity that shall contain not less than 10 cc.,
- (b) unless each cubic centimetre thereof provides
  - (i) 40 International Units of insulin, or
  - (ii) 80 International Units of insulin, or
  - (iii) 100 International Units of insulin

as determined by the method employed for the Food and Drug Laboratories,

- (c) unless the potency thereof as determined by the method employed by the Food and Drug Laboratories is not less than 95 per cent and not more than 105 per cent of that stated on the label,
- (d) unless the manufacturer thereof has submitted to the Minister
  - (i) acceptable protocols of assay of each master lot and of the trial dilution thereof, and
  - (ii) a sample consisting of at least 6 vials of 10 cc. each, taken by random sampling from the first finished lot prepared for sale from each master lot, such sample to be accompanied by protocols of the tests prescribed by C.03.051, C.03.052, C.03.053, C.03.054, and C.03.055 on each first finished lot,
- (e) unless it has been stored at a temperature of more than 0°C and less than 15°C,
- (f) unless the outer label of each package thereof carries the statement "Keep in a cold place and avoid freezing", and
- (g) unless each package thereof contains a descriptive circular that includes
  - (i) a statement that treatment of *diabetes mellitus* requires medical supervision and review, and that preparations containing insulin should be used only as determined by a physician for each patient in the light of blood-sugar and urinary-sugar findings, and that the physician's instructions concerning diet, dosage, rest, and exercise should be followed carefully,
  - (ii) an outline of a procedure to be followed in withdrawing insulin from the vial, including technique for sterilization of syringe and needle, vial-stopper, and site of injection,
  - (iii) a statement explaining that injections should be subcutaneous, and not intravenous or intramuscular, and a caution against successive injections in any one site,
  - (iv) a statement that doses are specified in terms of *International Units* and that the *volume* of each dose will depend upon the potency in terms of such units per cc. stated on the label of the product and that for these reasons it is important that the patient understand the markings on syringes,
  - (v) a brief explanation of *hypoglycaemia* together with emergency measures suitable for use by patients and those caring for patients in the event of hypoglycaemic reactions,



**Food and Drugs Act—continued**

- (vi) a statement indicating the possibility of undesirable reactions associated with the omission or loss of a meal, illness, infection, and shortage of insulin,
- (vii) a brief description of differences between various types of preparations of insulin,
- (viii) a statement that use of a package should not be commenced after the expiration date printed on the package,
- (ix) a statement that the contents should be used as continuously as practicable and that any vial from which a part of the contents has been withdrawn should be discarded in the event of its being in disuse for several weeks time,
- (x) a statement stressing the importance of visiting a physician regularly and carefully following his prescription together with the notes set forth in the package circular, and
- (xi) a statement that if the contents of the vial become cloudy or turbid, use of that vial should be discontinued.

**C.03.062.** The expiration date of insulin shall be not more than two years after the date of removal for distribution from the manufacturer's place of storage.

*Protamine Zinc Insulin*

**C.03.070.** Protamine zinc insulin is a suspension in a buffered water medium of insulin modified by the addition of protamine and zinc, and the protamine shall be prepared from the sperm or from the mature testes of fish belonging to the family *Salmonidae*, genera *Oncorhynchus* Suckley, *Salmo* Linne, or *Trutta* Jordan and Everman.

**C.03.071.** Protamine zinc insulin shall be a white suspension free from large particles following moderate agitation and shall contain, weight by volume,

- (a) not less than 0.15 per cent and not more than 0.25 per cent of anhydrous disodium phosphate,
- (b) not less than 1.4 per cent and not more than 1.8 per cent of glycerin,
- (c) either
  - (i) not less than 0.18 per cent and not more than 0.22 per cent of cresol, or
  - (ii) not less than 0.22 per cent and not more than 0.28 per cent of phenol,

and for each 100 International Units of insulin

- (d) not less than 0.20 milligram and not more than 0.25 milligram of zinc,
  - (e) not less than 1 milligram and not more than 1.5 milligrams of protamine, and
  - (f) not more than 1.25 milligrams of nitrogen,
- as determined by the methods employed by the Food and Drug Laboratories, and shall have a pH between 7.1 and 7.4 as determined with a glass electrode.

**C.03.072.** The insulin used in the preparation of protamine zinc insulin shall be obtained from a master lot for which acceptable protocols have been received by the Minister and shall be present in an amount sufficient to provide either 40 or 80 International Units of insulin for each cubic centimetre of the preparation.

**Food and Drugs Act—continued**

**C.03.073.** The protamine used in preparing protamine zinc insulin shall contain, when dried to a constant weight at 100°C, not less than 22·5 per cent and not more than 25·5 per cent of nitrogen, and the clear supernatant liquid obtained from protamine zinc insulin by centrifuging or by filtration shall contain not more than 1 International Unit of insulin per cubic centimetre in the case of protamine zinc insulin 40 International Units per cc., and not more than 1·5 International Units of insulin per cubic centimetre in the case of protamine zinc insulin 80 International Units per cc., as determined by the method employed in the Food and Drug Laboratories.

**C.03.074.** The proper name of protamine zinc insulin shall be **Protamine Zinc Insulin**.

**C.03.075.** The potency of protamine zinc insulin shall be expressed in units of insulin per cubic centimetre.

**C.03.076.** No person shall sell protamine zinc insulin

- (a) except in containers of approximately 10 cc. capacity that shall contain not less than 10 cc.,
- (b) unless each cubic centimetre thereof provides either
  - (i) 40 International Units of insulin, or
  - (ii) 80 International Units of insulin,
 as determined by the method employed by the Food and Drug Laboratories,
- (c) unless the manufacturer has submitted to the Minister
  - (i) acceptable protocols of assay of each master lot of insulin and of the trial dilutions thereof used in the preparation of protamine zinc insulin, and
  - (ii) a sample consisting of at least 6 vials of 10 cc. each, taken by random sampling from the first finished lot of protamine zinc insulin prepared for sale from each master lot of insulin, such sample to be accompanied by protocols of all tests on each first finished lot as required by C.03.071, and C.03.073 including protocols of tests showing the retardation of the insulin effect,
- (d) unless both the inner and the outer labels of each package of each strength thereof are, respectively, printed in
  - (i) red ink on white stock for 40 units cc., and
  - (ii) green ink on white stock for 80 units per cc.,
- (e) unless the outer label of every package thereof carries the statements
  - (i) "Shake carefully", and
  - (ii) "Keep in a cold place and avoid freezing", and
- (f) unless each package thereof contains a descriptive circular that includes
  - (i) a statement that treatment of *diabetes mellitus* requires medical supervision and review, and that preparations containing insulin should be used only as determined by a physician for each patient in the light of blood-sugar and urinary-sugar findings, and that the physician's instructions concerning diet, dosage, rest, and exercise should be followed carefully,

**Food and Drugs Act—continued**

- (ii) an outline of a procedure to be followed in withdrawing insulin from the vial, including technique for sterilization of syringe and needle, vial-stopper, and site of injection,
- (iii) a statement explaining that injections should be subcutaneous, and not intravenous or intramuscular, and a caution against successive injections in any one site,
- (iv) a statement that doses are specified in terms of *International Units* and that the *volume* of each dose will depend upon the potency in terms of such units per cc. stated on the label of the product and that for these reasons it is important that the patient understand the markings on syringes,
- (v) a brief explanation of *hypoglycaemia* together with emergency measures suitable for use by patients and those caring for patients in the event of hypoglycaemic reactions,
- (vi) a statement indicating the possibility of undesirable reactions associated with the omission or loss of a meal, illness, infection, and shortage of insulin,
- (vii) a brief description of differences between various types of preparations of insulin,
- (viii) a statement that use of a package should not be commenced after the expiration date printed on the package,
- (ix) a statement that the contents should be used as continuously as practicable and that any vial from which a part of the contents has been withdrawn should be discarded in the event of its being in disuse for several weeks time,
- (x) a statement stressing the importance of visiting a physician regularly and carefully following his prescription together with the notes set forth in the package circular, and
- (xi) a statement explaining that it is necessary to shake the vial of protamine zinc insulin carefully before withdrawing a dose, noting that, if the contents have become lumpy or granular, the use of that vial should be discontinued.

**C.03.077.** The expiration date of protamine zinc insulin shall be not more than 18 months after the date of filling of the immediate containers.

*Globin Insulin with Zinc*

**C.03.090.** Globin insulin with zinc is a solution of insulin modified by the addition of globin; prepared from beef blood, in the form of globin hydrochloride, and zinc.

**C.03.091.** Globin insulin with zinc shall be a clear, colourless or almost colourless liquid, free from turbidity and from insoluble matter, that contains, weight by volume,

- (a) not less than 1.3 per cent and not more than 1.7 per cent of glycerin,
- (b) either
  - (i) not less than 0.15 per cent and not more than 0.20 per cent of cresol, or
  - (ii) not less than 0.20 per cent and not more than 0.26 per cent of phenol,

and for each 100 International Units of insulin

- (c) not less than 0.25 milligram and not more than 0.35 milligram of zinc,



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- (d) not more than 1.50 milligrams of total nitrogen, and
- (e) not less than 3.6 milligrams and not more than 4.0 milligrams of globin calculated as 6.0 times the nitrogen content of the globin, as determined by the methods employed by the Food and Drug Laboratories, and shall have a pH between 3.4 and 3.8 as determined with a glass electrode.

**C.03.092.** The insulin used in the preparation of globin insulin with zinc shall be from an accepted master lot and shall be present in an amount sufficient to provide either 40 or 80 International Units of insulin per cubic centimetre of the preparation.

**C.03.093.** The globin hydrochloride used in preparing globin insulin with zinc shall contain not less than 16 per cent and not more than 17.5 per cent of nitrogen calculated on a dry, ash-free, and hydrochloric acid-free basis, and the ash content shall not be more than 0.3 per cent as determined by the methods employed by the Food and Drug Laboratories.

**C.03.094.** The proper name of globin insulin with zinc shall be **Globin Insulin with Zinc.**

**C.03.095.** The potency of globin insulin with zinc shall be expressed in units of insulin per cubic centimetre.

**C.03.096.** No person shall sell globin insulin with zinc

- (a) except in containers of approximately 10 cc. capacity that shall contain not less than 10 cc.,
- (b) unless each cubic centimeter thereof provides either
  - (i) 40 International Units of insulin, or
  - (ii) 80 International Units of insulin,
 as determined by the method employed by the Food and Drug Laboratories,
- (c) unless the manufacturer has submitted to the Minister
  - (i) acceptable protocols of assay of each master lot of insulin and of the trial dilutions thereof used in the preparation of globin insulin with zinc, and
  - (ii) a sample consisting of at least 6 vials of 10 cc. each, taken by random sampling from each first finished lot of globin insulin with zinc prepared for sale from each master lot of insulin, such sample to be accompanied by protocols of all tests as required by C.03.091 and C.03.093, on each first finished lot including protocols of tests showing the retardation of the insulin effect,
- (d) unless both the inner and the outer labels of each package of each strength thereof are, respectively, printed in
  - (i) red ink on brown stock for 40 units per cc. except that the expression *40 units per cc.* may be printed in white letters on a red background, and
  - (ii) green ink on brown stock for 80 units per cc. except that the expression *80 units per cc.* may be printed in white letters on a green background,

**Food and Drugs Act—continued**

- (e) unless the outer label of every package thereof carries the statement "Keep in a cold place and avoid freezing", and
- (f) unless each package thereof contains a descriptive circular that includes
  - (i) a statement that treatment of *diabetes mellitus* requires medical supervision and review, and that preparations containing insulin should be used only as determined by a physician for each patient in the light of blood-sugar and urinary-sugar findings, and that the physician's instructions concerning diet, dosage, rest, and exercise should be followed carefully,
  - (ii) an outline of a procedure to be followed in withdrawing insulin from the vial, including technique for sterilization of syringe and needle, vial-stopper, and site of injection,
  - (iii) a statement explaining that injections should be subcutaneous, and not intravenous or intramuscular, and a caution against successive injections in any one site,
  - (iv) a statement that doses are specified in terms of *International Units* and that the *volume* of each dose will depend upon the potency in terms of such units per cc. stated on the label of the product and that for these reasons it is important that the patient understand the markings on syringes,
  - (v) a brief explanation of *hypoglycaemia* together with emergency measures suitable for use by patients and those caring for patients in the event of hypoglycaemic reactions,
  - (vi) a statement indicating the possibility of undesirable reactions associated with the omission or loss of a meal, illness, infection, and shortage of insulin,
  - (vii) a brief description of differences between various types of preparations of insulin,
  - (viii) a statement that use of a package should not be commenced after the expiration date printed on the package,
  - (ix) a statement that the contents should be used as continuously as practicable and that any vial from which a part of the contents has been withdrawn should be discarded in the event of its being in disuse for several weeks time,
  - (x) a statement stressing the importance of visiting a physician regularly and carefully following his prescription together with the notes set forth in the package circular, and
  - (xi) a statement that if the contents of the vial become cloudy or turbid use of that vial should be discontinued.

**C.03.097.** The expiration date of globin insulin with zinc shall be not more than 18 months after the date of filling of the immediate container.

**DIVISION 4****Drugs of Part III of Schedule B to the Act**

**C.04.001.** Notwithstanding anything contained in these regulations, in this DIVISION

- (a) "drug" means the following drugs mentioned or described in PART III of SCHEDULE B to the Act that are intended for the diagnosis, prevention, or treatment of disease in man:

**Food and Drugs Act—continued**

- (i) *a drug prepared from micro-organisms or viruses*, that shall be a drug manufactured from
  - (1) the minute living cause of any infectious disease that is ordinarily visible by ordinary microscopic methods of examination, and shall include vaccines, lysates, extracts, toxins, toxoids, and the like, prepared therefrom, or
  - (2) the minute living cause of an infectious disease that is ordinarily invisible by ordinary microscopic methods of examination, and shall include virus vaccines living and dead, rickettsial vaccines living and dead, and any drug prepared from viruses or rickettsiae including the host on which they are propagated,
- (ii) *a serum and a drug analogous thereto*, that shall be any drug obtained from the blood of man or animal, and
- (iii) *an antibiotic*, that shall be a drug, such as penicillin or streptomycin, prepared from certain micro-organisms and that possesses inhibitory action on the growth of other micro-organisms,
- (b) "licence" means a licence issued according to the provisions of this DIVISION,
- (c) "foreign licence" means a licence issued by a Department of the Government of the country in which the drug is manufactured, and
- (d) "manufacturer" means a manufacturer holding a licence under the provisions of this DIVISION.

**C.04.002.** No person shall manufacture, in whole or in part, without a licence a living vaccine for oral use, or

- (a) a drug prepared from micro-organisms or viruses,
  - (b) a serum or a drug analogous thereto, or
  - (c) an antibiotic
- for parenteral use.

**C.04.003.** The date of manufacture of a drug shall be

- (a) for products for which a standard of potency exists, the date of satisfactorily passing a potency test,
- (b) for products for which no standard of potency exists,
  - (i) the date of removal from the animal in the case of animal products, or
  - (ii) the date of cessation of growth in the case of other than animal products, and
- (c) for antibiotics, the date of the final drying process at the time of production.

**C.04.004.** The date of issue of a drug shall be the date on which the finished product is removed from cold storage but in any case, shall not be later than

- (a) 6 months after the date of manufacture for a drug that has been kept constantly at a temperature not exceeding 10°C,
- (b) 12 months after the date of manufacture for a drug that has been kept constantly at a temperature not exceeding 5°C, or
- (c) 2 years after the date of manufacture for a drug that has been kept constantly at a temperature not exceeding 0°C.



**Food and Drugs Act—continued**

- C.04.005.** All materials and equipment that accompany any package of drug, and that are intended to be used in its administration, shall be deemed to form a part of such drug.
- C.04.006.** Application for a licence shall be made to the Minister on a form that may be obtained from him on request.
- C.04.007.** An application for a licence shall be accompanied by a fee of ten dollars payable to the Receiver General of Canada.
- C.04.008.** Subject to the provisions of C.04.006 and C.04.007 the Minister may issue a licence to a manufacturer to manufacture one or more drugs, and may cancel or suspend any licence with respect to any one or more drugs covered thereby.
- C.04.009.** A licence shall continue in force for twelve months from April first of the year of issue thereof unless cancelled or suspended.
- C.04.010.** A licence may be issued only after inspection of an establishment and examination of the drug for the manufacture of which the licence is desired, and a fee of ten dollars may be charged for the inspection, and there may be charged in addition the daily living and travelling expenses of the inspection officer who makes the inspection.
- C.04.011.** The Minister may at any time and without notice make or cause to be made an inspection of the establishment of any manufacturer.
- C.04.012.** Where a licence is refused, cancelled, or suspended following inspection all conditions that were made the basis of refusal, cancellation, or suspension shall be corrected by the manufacturer before re-inspection is made.
- C.04.013.** The Minister may cause to be published in *The Canada Gazette* notice of cancellation or suspension of a licence.
- C.04.014.** A manufacturer shall make available for inspection at any time all premises, appliances, stables, barns, warehouses, records, and methods employed in actual operations, and shall, with respect to the manufacture and sale of a drug, fully disclose
- (a) the professional standing of all persons technically employed,
  - (b) the methods of preparation, storing, dispensing, and
  - (c) any other details.
- C.04.015.** An inspection officer may demand any material used in the production of a drug, and samples of the finished drug.
- C.04.016.** Notwithstanding the provisions of C.04.010 where a manufacturer already holds a licence the Minister may permit the manufacturer to manufacture other drugs except B.C.G. vaccine under the same licence without re-inspection of the manufacturer's establishment.
- C.04.017.** Notwithstanding the provision of C.04.010 a person who manufactures a drug outside of Canada and who holds a foreign licence may be issued a licence without inspection of his establishment where it is made to appear to the satisfaction of the Minister that the conditions of the foreign licence and the supervision of the manufacture are at least as stringent as required in Canada and where the Minister deems it to be in the public interest to issue a licence

**Food and Drugs Act—continued**

- C.04.018.** Inspection of the establishment of a manufacturer who applies for a licence shall not be made until assurance is received that the establishment is in running order and prepared to manufacture the drug for which a licence to manufacture is desired.
- C.04.019.** A person who holds a licence to manufacture a drug outside of Canada shall file with the Minister the names and addresses of his Canadian representatives, who shall be required to maintain the same records of the distribution in Canada of such drug that are required of domestic manufacturers, and failure to maintain such records shall constitute grounds for cancellation of the licence.
- C.04.020.** A manufacturer shall maintain his premises under the direct control and personal supervision of a responsible, qualified person.
- C.04.021.** A manufacturer shall notify the Minister promptly of changes in  
 (a) responsible personnel,  
 (b) plant design or organization, and  
 (c) principles of manufacture.
- C.04.022.** A manufacturer shall safely segregate all work with spore-bearing, pathogenic micro-organisms and other infectious agents known to require special precautions in manipulation and shall take such care of equipment and arrangements for supervision that the possibility of contamination of other drugs is avoided.
- C.04.023.** No manufacturer shall conduct laboratory procedures of a diagnostic nature in his premises unless such procedures are entirely segregated from the production of drugs.
- C.04.024.** Subject to these regulations a manufacturer shall keep records in form satisfactory to the Minister of each lot of a drug respecting  
 (a) its manufacture,  
 (b) its testing,  
 (c) its disposition, and  
 (d) its distribution.  
 and in each case the date thereof.
- C.04.025.** Upon written request from the Chief Dominion Analyst a manufacturer shall submit protocols of tests together with samples of any lot of any drug, and no person shall import or sell any lot of which the protocol or sample fails to meet the requirements of these regulations.
- C.04.026.** A manufacturer shall notify the Minister immediately of any deficiency or alleged deficiency concerning the quality, safety, or efficacy of any drug manufactured by him.
- C.04.027.** A manufacturer shall withdraw from sale and shall recall any drug that in the opinion of the Minister is deficient in any respect.
- C.04.028.** No person shall import or sell any drug that does not meet any test required by these regulations.
- C.04.029.** A manufacturer shall test each filling of each lot of a drug for sterility by a method acceptable to the Laboratory of Hygiene and each lot shall be sterile.

**Food and Drugs Act—continued**

**C.04.030.** A manufacturer shall test, after the final containers of a drug have been labelled, each filling of each lot of a drug, where applicable, by a method acceptable to the Laboratory of Hygiene for

- (a) identity, and it shall be true to name,
- (b) safety by animal inoculation, and it shall be safe, and
- (c) pyrogens, and it shall be pyrogen-free.

**C.04.031.** All animals from which drugs are produced shall be

- (a) under the direct supervision of competent medical or veterinary personnel,
- (b) kept in quarantine by the manufacturer for at least seven days before use, and
- (c) healthy and free from infectious disease.

**C.04.032.** A manufacturer shall keep necropsy records of all animals that die or are killed after having been used in the production of a drug.

**C.04.033.** A manufacturer shall immediately segregate, and report the fact to the Minister, any animal with actual or suspected disease such as foot and mouth disease, encephalomyelitis, infectious anaemia, glanders, anthrax, or tetanus.

**C.04.034.** Subject to these regulations no person shall sell a drug specified in this DIVISION unless the label of every package thereof carries, where applicable, legibly and conspicuously,

- (a) on both the inner and the outer labels
  - (i) the name of the manufacturer and the proper name of the drug that shall be specified in his licence,
  - (ii) the potency of the drug,
  - (iii) the recommended dose of the drug,
  - (iv) the lot number, and
  - (v) the expiration date except upon the inner label of a single-dose container, and
- (b) on the outer label
  - (i) the address of the manufacturer,
  - (ii) the Canadian Licence number of the manufacturer,
  - (iii) the name and amount of any preservative in the drug,
  - (iv) a statement that the drug shall be stored at a temperature of not less than 2°C and not more than 10°C, and
  - (v) a statement of the net contents as required by paragraph (f) of section seven of the Act.

**Bacterial Vaccines, Products Analogous to Bacterial Vaccines**

**C.04.050.** Except where otherwise specifically provided by these regulations, a bacterial vaccine shall be a sterile suspension of killed cultures of bacteria, with or without the addition of other medication, and shall not include an autogenous vaccine.

**C.04.051.** A manufacturer shall test, by generally accepted methods, any culture that is to be used in the preparation of a bacterial vaccine for

- (a) identity, and it shall be true to name, and
- (b) purity, and it shall be a pure strain,

and his records shall include a record of the origin, properties, and characteristics of any such culture.



**Food and Drugs Act—continued**

**C.04.052.** No manufacturer shall use a substrate (culture medium), in the production of a bacterial vaccine, that contains any horse meat or horse serum.

**C.04.053.** A manufacturer of a bacterial vaccine prepared from a bacterium that does not grow readily in ordinary culture media shall test its sterility in media which are specially favourable to the growth of such bacterium, and it shall be sterile.

**C.04.054.** No person shall sell a bacterial vaccine unless both the inner and the outer labels of every multiple-dose container and the outer label of every single-dose container carry, legibly and conspicuously, a statement of

- (a) the number of bacteria per millilitre, or the weight of dried substance of bacteria per millilitre.
- (b) the number of bacteria per millilitre, or the weight of dried substance of bacteria per millilitre, of each species or immunogenic type for a vaccine that contains a number of different species or immunogenic types of bacteria,
- (c) the exact nature and amount of any substance, other than a simple diluent, combined with such vaccine, and
- (d) the recommended dose, but the inner label of a single-dose container shall carry a statement that the container contains only one dose.

**C.04.055.** The expiration date of a bacterial vaccine shall be not more than 18 months after the date of manufacture or the date of issue.

*Typhoid Vaccine*

**C.04.060.** Cultures of *Salmonella typhosa* used in the preparation of typhoid vaccine shall be mouse-virulent when tested by a method acceptable to the Laboratory of Hygiene and shall be in the Vi form.

**C.04.061.** No person shall sell any lot of typhoid vaccine unless such lot has been shown to meet a test for potency acceptable to the Laboratory of Hygiene.

*Whooping Cough Vaccine*

**C.04.065.** A manufacturer shall use only strains of *Haemophilus pertussis* that meet the requirements of an antigenic test acceptable to the Laboratory of Hygiene for the preparation of whooping cough (pertussis) vaccine.

**C.04.066.** No person shall sell any lot of whooping cough (pertussis) vaccine unless such lot has been shown to meet a test for potency acceptable to the Laboratory of Hygiene.

*B.C.G. (Bacille Calmette-Guerin) Vaccine*

**C.04.070. B.C.G. Vaccine** shall be prepared from living B.C.G. organisms that

- (a) have been obtained directly from a source approved by the Laboratory of Hygiene,
- (b) are proved to be non-pathogenic by methods acceptable to the Laboratory of Hygiene, and
- (c) have a history of successful use in the production of B.C.G. vaccine.

**Food and Drugs Act—continued**

**C.04.071.** No manufacturer shall employ any person in the manufacture of B.C.G. vaccine unless such person

- (a) has been and remains free from all forms of tuberculous infection,
- (b) undergoes every 6 months a medical examination, that shall include an X-ray examination of the chest, for the presence of tuberculosis, such examination being made by a qualified, practising physician who shall sign a certificate of such person's freedom from tuberculosis, and such certificate shall be kept on file and be available at all times, and
- (c) resides in a household that is at all times free from active tuberculosis,

nor shall such manufacturer employ such person in any other laboratory position.

**C.04.072.** The manufacture of B.C.G. vaccine shall be under the direct supervision of an experienced, medically qualified bacteriologist who shall have graduated in medicine from a university of recognized standing with

- (a) not less than 3 years postgraduate training in bacteriology and immunology,
- (b) specialization in the field of the bacteriology and pathology of tuberculosis, and
- (c) at least one year of practical experience in the manufacture of B.C.G. vaccine.

**C.04.073.** No manufacturer shall permit any culture that is not a B.C.G. culture to be at any time on any premises that are used for the manufacture of B.C.G. vaccine.

**C.04.074.** A manufacturer shall test by a method acceptable to the Laboratory of Hygiene, immediately after filling of the final container, each lot of B.C.G. vaccine for the presence of contaminating micro-organisms and it shall be free therefrom.

**C.04.075.** Notwithstanding C.04.074 a fluid B.C.G. vaccine may be released for sale if no growth has appeared upon the test culture medium after an incubation of 24 hours, but if there is evidence of the presence of contaminating micro-organisms in any lot during the test period of 10 days the manufacturer shall at once recall such lot.

**C.04.076.** A manufacturer shall determine the number of viable B.C.G. organisms in each lot of vaccine by a method acceptable to the Laboratory of Hygiene, and shall keep a record of the number.

**C.04.077.** A manufacturer of B.C.G. vaccine shall keep, at a temperature not exceeding 5·0°C, and for not less than 6 months,

- (a) the culture on glycerine-water potato medium from which the Sauton I and Sauton II subcultures were made, and
  - (b) not less than six vials of the final product
- from each lot thereof.

**C.04.078.** A manufacturer of B.C.G. vaccine shall keep, in form satisfactory to the Minister, continuous clinical records of the use of B.C.G. vaccine in humans.

**Food and Drugs Act—continued**

- C.04.079.** A manufacturer of B.C.G. vaccine shall examine pathologically all test animals used and shall immediately report to the Minister any evidence of active, progressive tuberculosis in any such animals.
- C.04.080.** Notwithstanding the provisions of C.04.055 the expiration date for fluid B.C.G. vaccine shall be not more than 10 days after harvesting.
- C.04.081.** No person shall sell fluid B.C.G. vaccine that is not packaged in containers sealed by fusion.
- C.04.082.** No inner label shall be required for B.C.G. vaccine in single-dose containers.
- C.04.083.** Notwithstanding the provisions of C.04.054 no person shall sell B.C.G. vaccine unless the label carries, legibly and conspicuously, a statement of
- (a) the weight of bacteria per millilitre, and
  - (b) the route of administration of the vaccine.
- C.04.084.** The provision of C.04.029 does not apply in the case of B.C.G. vaccine.

*Products Analogous to Bacterial Vaccines*

- C.04.090.** A product analogous to a bacterial vaccine shall be
- (a) a bacterial antigen, other than a bacterial vaccine, such as a lysate, or
  - (b) an extract prepared from a bacterial culture,
- and shall conform to the requirements of these regulations for bacterial vaccines except those of paragraphs (a) and (b) of C.04.054.
- C.04.091.** The expiration date of a product analogous to a bacterial vaccine shall be not more than 18 months after the date of manufacture or the date of issue, but for dried tuberculin and tuberculin containing at least 50 per cent glycerin the expiration date shall be not more than five years after the date of manufacture or the date of issue, and for all other tuberculins not more than 12 months after the date of manufacture or the date of issue.

*Virus and Rickettsial Vaccines*

- C.04.100.** A virus vaccine, rickettsial vaccine, shall be a suspension of, or prepared from, living or killed viruses or rickettsiae.
- C.04.101.** A manufacturer shall submit to the Minister for his approval at the time application for licence is made to manufacture a virus or rickettsial vaccine details of the source of the strains of viruses or rickettsiae used, the method of their propagation, the method of manufacture of the vaccine, and the methods employed for determining sterility, safety, identity, potency, and any other tests required by these regulations.
- C.04.102.** Upon written request from the Chief Dominion Analyst a manufacturer shall submit with respect to each lot of virus or rickettsial vaccine, when ready for sale, detailed protocols of sterility, safety, identity, potency, and of any other tests required by these regulations.



**Food and Drugs Act—continued***Smallpox Vaccine*

- C.04.110.** Smallpox vaccine is a virus vaccine and shall be the living virus of vaccinia obtained from the vesicles produced in the skin of healthy calves by inoculation of vaccinia virus.
- C.04.111.** A manufacturer shall manufacture smallpox vaccine only in an independent unit that is so designed as to afford strict isolation from all other laboratory activities and in or about which no extraneous materials shall be permitted or stored.
- C.04.112.** A manufacturer shall exclude the personnel, who care for the vaccine animals, from horse stables and paddocks and from contact with horses while smallpox vaccine is being propagated.
- C.04.113.** A manufacturer shall dispense smallpox vaccine only in sterile glass containers that are sealed under aseptic conditions.
- C.04.114.** A manufacturer shall test smallpox vaccine for the presence of any gas-producing spore-forming anaerobic organism or any haemolytic streptococcus and it shall be free therefrom.
- C.04.115.** Notwithstanding the provisions of C.04.029 smallpox vaccine shall not contain more than 500 viable non-pathogenic bacteria per millilitre when tested by a method acceptable to the Laboratory of Hygiene.
- C.04.116.** Smallpox vaccine shall produce a confluent take when 0.05 millilitre of a 1 in 500 dilution is spread over 2 square inches of the scarified skin of a normal rabbit.
- C.04.117.** No person shall sell smallpox vaccine unless the outer label of every package thereof carries, legibly and conspicuously, a statement that it shall be stored at a temperature of not more than 5°C.
- C.04.118.** The expiration date of smallpox vaccine shall be not more than 3 months after the date of manufacture or the date of issue.
- C.04.119.** Notwithstanding the provisions of C.04.004 the date of issue of small pox vaccine shall be not more than 9 months after the date of manufacture where the vaccine has been stored at a temperature below 0°C.
- C.04.120.** No inner label shall be required for smallpox vaccine in single-dose containers or when dispensed in capillary tubes.

*Bacteriophage*

- C.04.130.** Bacteriophage is a virus preparation with specific lytic action against micro-organisms actually or potentially pathogenic.
- C.04.131.** The expiration date of bacteriophage shall be not more than 12 months after the date of manufacture or the date of issue.

*Toxins, Toxoids**Schick Test Reagents*

- C.04.140.** Schick test reagents for the diagnosis of susceptibility to diphtheria shall be
- (a) diphtheria toxin for Schick test,
  - (b) Schick control, and
  - (c) diphtheria toxin for Schick test with control.

**Food and Drugs Act—continued**

**C.04.141.** Diphtheria toxin for Schick test shall be sterile diluted diphtheria toxin stabilized by a method acceptable to the Laboratory of Hygiene.

**C.04.142.** Schick control shall be suitably diluted

- (a) diphtheria toxoid, or
- (b) sterile diphtheria toxin heated at a temperature of 95°C for 5 minutes.

**C.04.143.** Diphtheria toxin for Schick test and Schick control may be packaged together.

**C.04.144.** The human test dose of diphtheria toxin for Schick test, when aged toxin containing a preservative is used, shall be determined by

- (a) intracutaneous injection into normal guinea pigs or normal rabbits in mixtures with different proportions of diphtheria antitoxin, and one test dose mixed with  $\frac{1}{750}$  or more of a unit of antitoxin must cause no local reaction but mixed with  $\frac{1}{1250}$  or less of a unit of antitoxin must cause a definite local reaction of the type known as the "positive Schick reaction", and
- (b) intracutaneous injection into normal guinea pigs or normal rabbits without admixture with antitoxin, and  $\frac{1}{50}$  of one test dose must not cause, and  $\frac{1}{25}$  of one test dose must cause, a definite local reaction of the type known as the "positive Schick reaction".

**C.04.145.** The human test dose of diphtheria toxin for Schick test, when fresh toxin containing no preservative is used, shall be determined by

- (a) intracutaneous injection into normal guinea pigs or normal rabbits in mixtures with different proportions of diphtheria antitoxin, and one test dose mixed with  $\frac{1}{750}$  or more of a unit of antitoxin must cause no local reaction, but mixed with  $\frac{1}{1500}$  or less of a unit of antitoxin must cause a definite local reaction of the type known as the "positive Schick reaction", and
- (b) intracutaneous injection into normal guinea pigs or normal rabbits without admixture with antitoxin, and  $\frac{1}{100}$  of one test dose must not cause, and  $\frac{1}{50}$  of one test dose must cause, a definite local reaction of the type known as the "positive Schick reaction".

**C.04.146.** The human test dose for the Schick control shall give a negative Schick reaction when injected intracutaneously into normal guinea pigs or normal rabbits.

**C.04.147.** No person shall sell diphtheria toxin for Schick test unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the number of human test doses it contains together with the name of any stabilizer.

**C.04.148.** The expiration date of Schick test reagents for the diagnosis of susceptibility to diphtheria shall be not more than 12 months after the date of manufacture or the date of issue.

*Diphtheria Toxoid*

**C.04.160.** Liquid diphtheria toxoid shall be sterile, formalized, detoxified diphtheria toxin and shall not contain more than 0.02 per cent of free formaldehyde.

**C.04.161.** Alum precipitated diphtheria toxoid shall be prepared from diphtheria toxoid, and shall not contain more than 15 milligrams of alum per human dose.

**Food and Drugs Act—continued**

- C.04.162.** The alum used in the preparation of diphtheria toxoid alum precipitated shall contain not less than 99·5 per cent of pure potassium alum,  $\text{Al K}(\text{SO}_4)_2, 12\text{H}_2\text{O}$ .
- C.04.163.** No manufacturer shall use a culture medium for the production of diphtheria toxin that contains horse protein or Witte peptone or that has not been freed as far as possible from any other allergenic ingredient.
- C.04.164.** Diphtheria toxin from which diphtheria toxoid is prepared shall have a toxicity, as indicated by an L+ dose, of not more than 0·20 millilitre or by an M.L.D. of not more than 0·0025 millilitre.
- C.04.165.** A manufacturer shall test each bulk container of diphtheria toxoid, before being dispensed into the final containers, for toxicity by a method acceptable to the Laboratory of Hygiene, and it shall be non-toxic.
- C.04.166.** No person shall sell any lot of diphtheria toxoid unless such lot has been shown to meet a test for antigenicity acceptable to the Laboratory of Hygiene.
- C.04.167.** A manufacturer shall fill diphtheria toxoid aseptically into clear glass containers and where preservative is not added shall seal the containers by fusion.
- C.04.168.** No person shall sell diphtheria toxoid that contains phenol.
- C.04.169.** No person shall sell diphtheria toxoid unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the appropriate dose for purposes of immunization.
- C.04.170.** The expiration date of diphtheria toxoid shall be not more than two years after the date of manufacture or the date of issue.

***Tetanus Toxoid***

- C.04.180.** Liquid tetanus toxoid shall be sterile, formalized, detoxified tetanus toxin, and shall not contain more than 0·02 per cent of free formaldehyde.
- C.04.181.** Alum precipitated tetanus toxoid shall be prepared from tetanus toxoid, and shall not contain more than 15 milligrams of alum per human dose.
- C.04.182.** The alum used in the preparation of tetanus toxoid alum precipitated shall contain not less than 99·5 per cent of pure potassium alum,  $\text{Al K}(\text{SO}_4)_2, 12\text{H}_2\text{O}$ .
- C.04.183.** A manufacturer shall not use a culture medium for the production of tetanus toxin that contains horse protein or Witte peptone or that has not been freed as far as possible from any other allergenic ingredient.
- C.04.184.** Tetanus toxin from which tetanus toxoid is prepared shall have a toxicity as indicated by an M.L.D. for the guinea pig of not more than 0·0001 millilitre.



**Food and Drugs Act—continued**

**C.04.185.** A manufacturer shall test each bulk container of tetanus toxoid, before being dispensed into the final containers, for toxicity by a method acceptable to the Laboratory of Hygiene, and it shall be non-toxic.

**C.04.186.** No person shall sell any lot of tetanus toxoid unless such lot has been shown to meet a test for antigenicity acceptable to the Laboratory of Hygiene.

**C.04.187.** No person shall sell tetanus toxoid unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the appropriate dose for purposes of immunization.

**C.04.188.** A manufacturer shall fill tetanus toxoid aseptically into clear glass containers and where a preservative is not added shall seal the container by fusion.

**C.04.189.** No person shall sell tetanus toxoid that contains phenol.

**C.04.190.** The expiration date of tetanus toxoid shall be not more than 2 years after the date of manufacture or the date of issue.

*Antitoxins, Antisera*

**C.04.210.** An antitoxin or antiserum shall be the serum or fraction thereof separated from the blood of animals that have been artificially immunized against the by-products or antigenic fractions of specific cultures of micro-organisms, or against specific venoms.

**C.04.211.** The potency of an antitoxin or antiserum shall be determined by a method acceptable to the Laboratory of Hygiene and, except for tetanus antitoxin, where applicable the unit of potency shall be the International Unit.

**C.04.212.** Liquid diphtheria antitoxin shall have a potency of not less than 500 International Units per millilitre.

**C.04.213.** Liquid tetanus antitoxin shall have a potency of not less than 400 American Units per millilitre.

**C.04.214.** A liquid antitoxin or antiserum shall contain not more than 20 per cent of solids.

**C.04.215.** A dried antitoxin shall be prepared from a liquid antitoxin and, when reconstituted to the original volume of the liquid antitoxin, shall have a potency not less than that prescribed for such liquid antitoxin.

**C.04.216.** A dried antitoxin or antiserum shall not contain more than 1 per cent of moisture when determined by a method acceptable to the Laboratory of Hygiene.

**C.04.217.** Each lot of antitoxin or antiserum shall be tested by methods acceptable to the Laboratory of Hygiene for pyrogenicity and it shall be pyrogen-free, and, after filling into the final containers, for identity and it shall be true to name.

**Food and Drugs Act—continued**

**C.04.218.** No person shall sell an antitoxin or antiserum unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the species of animal used, when other than the horse, and the net contents in millilitres or the number of units in the container.

**C.04.219.** The expiration date shall be

- (a) for liquid antitoxins with standards of potency
  - (i) not more than 12 months after the date of manufacture or the date of issue for those with a 20 per cent excess of potency,
  - (ii) not more than 2 years after the date of manufacture or the date of issue for those with a 30 per cent excess,
  - (iii) not more than 3 years after the date of manufacture or the date of issue for those with a 40 per cent excess, and
  - (iv) not more than 4 years after the date of manufacture or the date of issue for those with a 50 per cent excess,
- (b) for liquid antitoxins with no standards of potency, not more than 12 months after the date of manufacture or the date of issue,
- (c) for liquid antidysentery serum, not more than 18 months after the date of manufacture or the date of issue,
- (d) for any other liquid antiserum not more than 12 months after the date of manufacture or the date of issue, and
- (e) for dried antitoxin and dried antiserum not more than 5 years after the date of manufacture or the date of issue.

*Preparations from Human Sources*

**C.04.230.** Preparations from human sources shall be pooled blood plasma, or pooled blood serum, or fractions of either separated by established methods.

**C.04.231.** A manufacturer shall obtain human serum, human plasma, only from a person certified by a qualified medical practitioner to be healthy, and shall not use a person with a history of a disease transmissible by blood transfusion including syphilis, infectious hepatitis, or malaria to serve as a donor of blood, placenta, or cord.

**C.04.232.** The operation of drawing blood from a donor shall be under the supervision of a qualified medical practitioner, and shall be carried out in a suitable bleeding room under the control of the manufacturer.

**C.04.233.** A manufacturer shall obtain human placenta and cord used in the manufacture of preparations from human sources only from women confined in public hospitals, and the donor of such placenta and cord shall have been free from the toxæmias of pregnancy, and the placenta and cord shall not show gross evidence of any pathological condition.

**C.04.234.** Dried human serum, dried human plasma, or dried fractions of either, shall not contain more than 1 per cent of moisture when determined by a method acceptable to the Laboratory of Hygiene.

**C.04.235.** A manufacturer shall provide directions or means for the removal of particles of such size as to be dangerous to the recipient from preparations from human sources that are issued in fluid form or that are reconstituted from the dried form.

**Food and Drugs Act—continued**

- C.04.236.** A manufacturer of preparations from human sources shall maintain complete records of all donors, which records shall include the medical certificate prescribed by C.04.231.
- C.04.237.** A manufacturer may issue human serum, or human plasma, or fractions of either of these for prophylactic or therapeutic use in any of the following forms
- (a) immune human serum, which shall be serum separated from the blood of persons recovered from the disease for which the serum is intended as a prophylactic or therapeutic agent,
  - (b) immune human globulins, or other immune human serum fractions, which shall be prepared from immune human serum or plasma,
  - (c) normal human serum, or normal human plasma, or fractions of either of these prepared from the blood of normal individuals, and
  - (d) dried products prepared from any of these.
- C.04.238.** No person shall sell a preparation from human sources unless both the inner and the outer labels of every package thereof clearly indicate that the preparation is derived from human sources.
- C.04.239.** The expiration date for preparations from human sources issued in fluid form shall be not more than 18 months after the date of manufacture or the date of issue, and for those issued in dried form, not more than 5 years after the date of manufacture or the date of issue.
- C.04.240.** The date of manufacture of preparations from human sources shall be the date of bleeding the donor.

*Antibiotics*

- C.04.300.** An antibiotic includes penicillin, streptomycin, and the like, their salts and derivatives, and preparations of any of them.
- C.04.301.** Upon request from the Chief Dominion Analyst a manufacturer shall submit protocols of tests of each lot of antibiotic manufactured for sale in Canada together with two or more ampoules taken as a sample from the lot prior to its being sold, and no person shall import or sell any lot of which the protocol or sample fails to meet the requirements of these regulations.
- C.04.302.** Subject to these regulations, and notwithstanding the provisions of C.04.034, no person shall sell an antibiotic unless the label of every package thereof carries, legibly and conspicuously,
- (a) on both the inner and the outer labels
    - (i) the name of the manufacturer or distributor and the proper name of the drug that shall be that specified in his licence,
    - (ii) the potency of the drug,
    - (iii) the manufacturer's lot number,
    - (iv) the expiration date except upon the inner label of a single-dose container, and
  - (b) on the outer label
    - (i) the address of the manufacturer or distributor,



**Food and Drugs Act—continued**

- (ii) the Canadian Licence number of the manufacturer of the final product,
- (iii) the name and amount of any preservative in the drug, and
- (iv) a statement of the net contents as required by paragraph (f) of section seven of the Act.

*Penicillin*

**C.04.305.** Penicillin shall be one or more of the antibiotic substances produced during the growth of fungi such as *Penicillium notatum*, *Penicillium chrysogenum*, and the salts and derivatives of such substances.

*Amorphous Penicillin*

**C.04.306.** Amorphous penicillin shall be penicillin that is not crystalline when in solid form.

**C.04.307.** When amorphous penicillin is dissolved in distilled water and diluted to contain 10,000 International Units of penicillin per millilitre the solution shall be clear, shall not contain any visible particles, and shall have a pH between 5.0 and 7.5.

**C.04.308.** Amorphous penicillin shall not contain more than 2.5 per cent of moisture as determined by a method acceptable to the Laboratory of Hygiene.

**C.04.309.** Amorphous penicillin shall contain not less than 500 International Units of penicillin per milligram when tested for potency by a method acceptable to the Laboratory of Hygiene.

**C.04.310.** No person shall sell amorphous penicillin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) a statement of the potency expressed in International Units per ampoule or sealed vial, and
- (b) a warning that the drug shall be stored at refrigerator temperature.

**C.04.311.** The expiration date for amorphous penicillin shall be not more than 18 months after the date of manufacture.

*Crystalline Penicillin*

**C.04.315.** Crystalline penicillin shall be a heat-stable crystalline salt of one or more kinds of penicillin, e.g., F, G, K, X.

**C.04.316.** No person shall sell crystalline penicillin described as a single kind of crystalline penicillin salt unless it contains more than 85 per cent by weight of the named kind of crystalline penicillin salt.

**C.04.317.** No person shall sell a mixture of crystalline penicillin salts unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the quantitative composition by weight of the mixture in terms of the kinds of crystalline penicillin salts present.

**C.04.318.** The provisions of C.04.317 do not apply to components of the mixture present in amounts less than 15 per cent by weight of the whole.

**Food and Drugs Act—continued**

- C.04.319.** When crystalline penicillin is dissolved in distilled water and diluted to contain 10,000 International Units per millilitre the solution shall be clear, shall not contain any visible particles, and shall have a pH between 5.0 and 7.5.
- C.04.320.** Crystalline penicillin shall not contain more than 1.5 per cent of moisture as determined by a method acceptable to the Laboratory of Hygiene.
- C.04.321.** Crystalline sodium penicillin G shall contain not less than 1,500 International Units of penicillin per milligram when tested for potency by a method acceptable to the Laboratory of Hygiene.
- C.04.322.** Crystalline potassium penicillin G shall contain not less than 1,400 International Units of penicillin per milligram when tested for potency by a method acceptable to the Laboratory of Hygiene.
- C.04.323.** No person shall sell crystalline penicillin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency of the drug expressed in International Units per ampoule or per sealed vial.
- C.04.324.** The expiration date for crystalline penicillin shall be not more than 3 years after the date of manufacture.

*Penicillin in Oil and Wax*

- C.04.330.** Penicillin in oil and wax shall be a suspension of calcium penicillin, crystalline sodium penicillin, or crystalline potassium penicillin in refined peanut or sesame oil in which white wax is dispersed.
- C.04.331.** Penicillin in oil and wax shall not contain more than 1 per cent of moisture as determined by a method acceptable to the Laboratory of Hygiene.
- C.04.332.** No person shall sell penicillin in oil and wax that is made from penicillin of a potency in International Units per milligram of less than
- (a) 750, where calcium penicillin is used,
  - (b) 1,500, where sodium penicillin is used, or
  - (c) 1,400, where potassium penicillin is used.
- C.04.333.** No person shall sell penicillin in oil and wax unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of
- (a) the penicillin salt used, and
  - (b) the potency expressed in International Units per millilitre.
- C.04.334.** The expiration date for penicillin in oil and wax shall be not more than 12 months after the date of manufacture except where crystalline penicillin is used when the expiration date shall be not more than 18 months after the date of manufacture.

*Procaine Penicillin*

- C.04.340.** Procaine penicillin shall be the dry procaine salt of penicillin used as a suspension in water or oil.

**Food and Drugs Act—continued**

**C.04.341.** A saturated aqueous solution of procaine penicillin shall have a pH between 5·0 and 7·5.

**C.04.342.** Procaine penicillin shall not contain more than 4·5 per cent of moisture and procaine penicillin in oil shall not contain more than 1·5 per cent of moisture as determined by a method acceptable to the Laboratory of Hygiene.

**C.04.343.** No person shall sell procaine penicillin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency of the drug expressed in International Units per ampoule or per sealed vial.

**C.04.344.** No person shall sell a suspension of procaine penicillin in oil unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency of the drug expressed in International Units per millilitre.

**C.04.345.** Procaine penicillin shall contain not less than 900 International Units of penicillin per milligram when tested for potency by a method acceptable to the Laboratory of Hygiene.

**C.04.346.** The expiration date for procaine penicillin and suspensions of it in oil shall be not more than 18 months after the date of manufacture.

*Streptomycin*

**C.04.350.** Streptomycin shall be an antibiotic substance produced during the growth of *Streptomyces griseus*, and the salts and derivatives of such substance.

**C.04.351.** When streptomycin is dissolved in distilled water and diluted to contain 200,000 micrograms of streptomycin base per millilitre, the solution shall be clear, shall not contain any visible particles, and shall have a pH between 4·5 and 7·0.

**C.04.352.** Streptomycin shall contain

- (a) not more than 3·0 per cent of moisture,
- (b) not less than the equivalent of 600 micrograms of streptomycin base per milligram,
- (c) no histamine or histamine-like substance,
- (d) no streptothricin, and
- (e) not more than 250 parts per million of contaminating heavy metals, of which not more than 50 parts per million shall be lead

when tested by methods acceptable to the Laboratory of Hygiene.

**C.04.353.** No person shall sell streptomycin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency of the drug expressed in

- (a) grams of streptomycin base per ampoule or sealed vial, and
- (b) micrograms of streptomycin base per milligram of the finished product.

**C.04.354.** The expiration date of streptomycin shall be not more than 24 months after the date of manufacture.



**Food and Drugs Act—continued**

**C.04.355.** Dihydrostreptomycin is a hydrogenated derivative of streptomycin and shall conform to the requirements for streptomycin in C.04.351 to C.04.354 inclusive.

*Aureomycin*

**C.04.360.** Aureomycin shall be an antibiotic substance produced during the growth of *Streptomyces aureofaciens*, and the salts and derivatives thereof.

**C.04.361.** When aureomycin is dissolved in distilled water and diluted to contain 10 milligrams of aureomycin base per millilitre, the solution shall be clear, shall not contain any visible particles, and shall have a pH between 2·3 and 3·3.

**C.04.362.** Aureomycin shall contain

- (a) not more than 2·0 per cent of moisture,
  - (b) not less than the equivalent of 900 micrograms of aureomycin base per milligram, and
  - (c) no histamine or histamine-like substance
- when tested by methods acceptable to the Laboratory of Hygiene.

**C.04.363.** No person shall sell aureomycin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the potency of the drug expressed in

- (a) milligrams of aureomycin base per ampoule or sealed vial, and
- (b) micrograms of aureomycin base per milligram of the finished product.

**C.04.364.** The expiration date for aureomycin shall be not more than 12 months after the date of manufacture.

DIVISION 5

*Drugs of Part IV of Schedule B to the Act*

**C.05.001.** Every import shipment of drugs mentioned or described in PART IV of SCHEDULE B to the Act shall be accompanied by two sample packages of each lot number contained in the shipment, and the samples shall be forwarded by the Collector of Customs at the port of entry to the Food and Drug Laboratories, for examination, and where separate samples are not found accompanying the shipment, samples shall be obtained from the shipment by the Collector of Customs and forwarded to the Food and Drug Laboratories.

DIVISION 6

*Drugs of Part V of Schedule B to the Act*

*General*

**C.06.001.** In this DIVISION the abbreviation

- (a) "gm." means gram or grams,
- (b) "mg." means milligram or milligrams,

**Food and Drugs Act—continued**

- (c) "ml." means millilitre or millilitres, and
- (d) "N/1" means a normal, "N/2" a half-normal, and "2N" a twice normal volumetric solution, and other sub-multiples and multiples of normal volumetric solutions in like manner.

**C.06.002.** Subject to these regulations, in this DIVISION

- (a) solubility and specific gravity shall be determined at 25°C,
- (b) reagents or solutions the names of which are printed in italics refer to reagents or solutions used in tests that are included in the Annex to this DIVISION or that are described in Appendix I of the British Pharmacopoeia,
- (c) tests of identity, quantitative tests for arsenic, lead, copper, zinc, fluorine, and sulphur dioxide, limit tests, and the test for cotton-seed oil shall be those employed by the Food and Drug Laboratories, and
- (d) determination of physical and chemical constants, and of ash shall be carried out by methods employed by the Food and Drug Laboratories.

**C.06.003.** In this DIVISION the abbreviation in brackets that follows the proper name of a drug is the official abbreviation.

**AMARANTH****Amaranthum**

**C.06.100. Amaranth** (Amaranth.) shall be the trisodium salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-3, 6-disulphonic acid, and shall not contain

- (a) intermediates or subsidiary dyes in amounts greater than is consistent with good manufacturing practice,
- (b) a less content of pure dye than is consistent with good manufacturing practice,
- (c) arsenic, calculated as arsenic trioxide, in excess of 2 parts per million,
- (d) lead, calculated as lead, in excess of 10 parts per million, and
- (e) other heavy metals, determined by precipitation as sulphides, in excess of 100 parts per million.

**AMARANTH, CONCENTRATED SOLUTION****Liquor Amaranthi Concentratus**

**C.06.105. Amaranth Concentrated Solution** (Liq. Amaranth. Conc.) shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared by dissolving 6.4 gm. of amaranth in water sufficient to produce 1,000 ml.

**ANHYDROUS EPHEDRINE****Ephedrina Sicca****C<sub>10</sub>H<sub>15</sub>NO**

Mol. Wt. 165.2

**C.06.110. Anhydrous Ephedrine** (Ephed. Sicc.) shall be *l*-α-hydroxy-β-methyl-amino-propylbenzene, an alkaloid obtained from *Ephedra sinica* Stapf, *Ephedra equisetina* Bunge, and other species of *Ephedra* or prepared by synthesis, and shall contain not less than 98.5 per cent of anhydrous ephedrine, and

**Food and Drugs Act—continued**

## (a) its characters are

- (i) *Description*,—anhydrous ephedrine occurs as a white, unctuous, hygroscopic solid, that is
  - (1) odourless, or that may have acquired a slight unpleasant smell, and
  - (2) gradually decomposed by exposure to light,
- (ii) *Solubility*,—anhydrous ephedrine is soluble in
  - (1) 20 parts of *water*,
  - (2) approximately 20 parts of *glycerin*,
  - (3) approximately 25 parts of *olive oil*,
  - (4) approximately 100 parts of *liquid paraffin*, and is readily soluble in *alcohol (95 per cent)*, in *ether*, and in *chloroform*, and
- (iii) *Melting Point*,—the *melting point* of anhydrous ephedrine is between 34°C and 36°C, and the *melting point* of the hydrochloride obtained from the assay is between 217°C and 219°C,

## (b) the tests for its identity are

- (i) an aqueous solution of anhydrous ephedrine is strongly alkaline to *solution of litmus*,
- (ii) dissolve 10 mg. of anhydrous ephedrine in 1 ml. of *water* and 0.2 ml. of *dilute hydrochloric acid*, and add 0.1 ml. of *solution of copper sulphate*, followed by 1 ml. of *solution of sodium hydroxide*: the liquid becomes violet; add 1 ml. of *ether*, and shake: the ethereal layer is purple, and the aqueous layer is blue, and
- (iii) dissolve 0.2 gm. of anhydrous ephedrine in 30 ml. of *chloroform*; set aside for 12 hours and allow the chloroform to evaporate spontaneously at room temperature: the crystals of ephedrine hydrochloride that separate have, after drying, a *melting point* between 217° C and 219° C, and yield the *reactions* characteristic of chlorides, and

## (c) the tests for its purity are

- (i) *Specific rotation*,—the *specific rotation*,  $\alpha_D^{25}$ , of the hydrochloride obtained from the assay (determined in 5 per cent w/v solution in *water*) is between -33° and -35°,
- (ii) *Chlorides*,—dissolve 0.1 gm. of anhydrous ephedrine in 1 ml. of *water* and 1 ml. of *dilute nitric acid* and add 0.1 ml. of *solution of silver nitrate*: no turbidity is produced,
- (iii) *Sulphates*,—dissolve 0.1 gm. of anhydrous ephedrine in 1 ml. of *water* and 1 ml. of *dilute hydrochloric acid* and add 0.5 ml. of *solution of barium chloride*: no turbidity is produced during ten minutes, and
- (iv) *Ash*,—when incinerated, anhydrous ephedrine leaves not more than 0.1 per cent of ash.

**C.06.111. Anhydrous ephedrine shall be**

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a cool place in a well-closed container protected from light.



**Food and Drugs Act—continued****AQUEOUS SOLUTION OF IODINE****Liquor Iodi Aquosus**

**C.06.120. Aqueous Solution of Iodine, Lugol's Solution** (Liq. Iod. Aquos.) shall be an aqueous solution of iodine containing

- (a) not less than 4.5 per cent and not more than 5.5 per cent of iodine, and
  - (b) not less than 9.0 per cent and not more than 11.0 per cent of potassium iodide,
- and may be prepared by dissolving the solid ingredients in one-tenth of the volume of distilled water and diluting to the required volume.

**C.06.121. Aqueous solution of iodine shall be**

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed, glass-stoppered bottle.

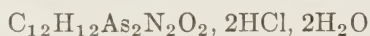
**ARSENICAL SOLUTION****Liquor Arsenicalis**

**C.06.130. Arsenical Solution, Fowler's Solution** (Liq. Arsen.) shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared from

- (a) arsenic trioxide, in fine powder ..... 10 gm.
- (b) glycerin ..... 100 ml.
- (c) amaranth concentrated solution ..... 3 ml.
- (d) chloroform water sufficient to produce ..... 1,000 ml.

by heating the arsenic trioxide with the glycerin at 100°C until a clear solution is obtained, cooling, adding the chloroform water and amaranth concentrated solution, and filtering, and shall contain not less than 0.95 per cent and not more than 1.05 per cent w/v of arsenic trioxide.

**C.06.131** Arsenical solution shall be assayed by the method employed by the Food and Drug Laboratories.

**ARSPHENAMINE****Arsphenamina**

Mol. Wt. 475.0

**C.06.140. Arsphenamine** (Arsphen.) shall be 3,3'-diamino-4,4'-dihydroxyarsenobenzene dihydrochloride and shall contain not less than 30 per cent and not more than 32 per cent of arsenic, when determined by the method employed by the Food and Drug Laboratories, and

- (a) its characters are
  - (i) *Description*,—arsphenamine occurs as a light yellow powder that is
    - (1) odourless, or has a slight odour,
    - (2) hygroscopic, and

**Food and Drugs Act—continued**

- (3) oxidized by exposure to air, in the dry state, becoming darker and more toxic, and
- (ii) *Solubility*,—arsphenamine is soluble in *water*, in *alcohol* (95 per cent), and in *glycerin*, but only slightly soluble in *chloroform* and in *ether*,
- (b) the tests for its identity are
  - (i) to a solution of arsphenamine (1:100) add *dilute hydrochloric acid*: no change is produced even after heating (difference from neoarsphenamine),
  - (ii) to a solution of arsphenamine (1:100) add an excess of *hydrochloric acid*: a precipitate is formed,
  - (iii) to a solution of arsphenamine (1:100) add *dilute sulphuric acid* or a 10 per cent w/v solution of an alkali sulphate: a precipitate is produced immediately,
  - (iv) to 5 ml. of a solution of arsphenamine (1:100) add 1 ml. of *solution of silver nitrate*: a red colour is produced, but no precipitate is formed even after standing at room temperature for 10 minutes; add 5 ml. of *nitric acid* and heat: a white precipitate is formed which dissolves in an excess of *dilute solution of ammonia*,
  - (v) to 5 ml. of a solution of arsphenamine (1:1,000) add 3 drops of freshly prepared *test-solution of ferric chloride*: a brownish violet colour is produced, which rapidly changes to deep red, and
  - (vi) to the solution resulting from the assay for arsenic add hydrogen sulphide: a yellow precipitate is formed, which is soluble in *solution of ammonium carbonate*, and
- (c) the tests for its purity are
  - (i) *Total acid*,—dissolve 0.1 gm. of arsphenamine, accurately weighed, in 10 ml. of *water* in a small flask, add 5 drops of *solution of phenolphthalein* and titrate with *N/10 sodium hydroxide*, watching the supernatant liquid for the end point: not less than 3.9 ml. and not more than 4.3 ml. of *N/10 sodium hydroxide* are required,
  - (ii) *Loss on drying*,—when dried for 24 hours in a vacuum desiccator over fresh *phosphorus pentoxide* arsphenamine loses not more than 8 per cent by weight,
  - (iii) *Solubility*,—add 1.0 gm. of arsphenamine progressively to 20 ml. of *water* in a small flask and agitate the mixture gently: complete solution results in not more than 15 minutes,
  - (iv) *Thermostability*,—when tested for thermostability by the method employed by the Food and Drug Laboratories no marked change in colour, consistency, or solubility is found, and
  - (v) *Toxicity*,—the toxicity is not greater than that of the International Reference Standard Arsphenamine as determined by the method employed by the Food and Drug Laboratories.

**C.06.141.** Arsphenamine shall be stored in a cool place, preferably not above 20°C, in sealed containers of colourless glass, from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

**Food and Drugs Act—continued**

**C.06.142.** Every manufacturer of arsphenamine shall submit to the Chief Dominion Analyst a sample of each lot of arsphenamine manufactured, which sample shall consist of not less than 5 sealed containers of the product as completed for issue, taken by random sampling from the whole lot, and, in no case, shall consist of less than 7.2 gm. of the product, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of

- (a) arsenic content,
- (b) moisture, and
- (c) toxicity.

**C.06.143.** Every manufacturer of arsphenamine shall submit, whenever requested to do so by the Chief Dominion Analyst, clinical evidence of the safety of any lot of arsphenamine manufactured by him.

**C.06.144.** No manufacturer shall sell any arsphenamine from a lot that has not been released by the Chief Dominion Analyst.

**C.06.145.** A manufacturer of arsphenamine shall keep records in form satisfactory to the Minister, of each lot of arsphenamine respecting its

- (a) manufacture,
  - (b) testing,
  - (c) disposition, and
  - (d) distribution,
- and in each case the date thereof.

**C.06.146.** A manufacturer of arsphenamine shall withdraw from sale and shall recall any lot of arsphenamine which in the opinion of the Chief Dominion Analyst is deficient in any respect.

**C.06.147.** No person shall sell any arsphenamine unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the quantity in grams of arsphenamine per ampoule,
- (b) the lot number,
- (c) the expiration date, that shall be not later than 5 years after the date of release by the Chief Dominion Analyst,
- (d) the statement "Prior to injection the solution must be alkalinized with 0.85 ml. of normal sodium hydroxide for each 0.1 gm. of arsphenamine", and
- (e) where applicable, a statement that the container is a multiple-dose container.

**BRILLIANT BLUE FCF**

Caeruleum Nitens

**C.06.150. Brilliant Blue FCF** (Caerul. Nit.) shall be the disodium salt of 4 - { [4 - (N-ethyl-*p*-sulphobenzylamino) - phenyl] - (2-sulphonium-phenyl) - methylene } - [1-(N-ethyl-N-*p*-sulphobenzyl) -  $\Delta^{2,5}$ -cyclohexadienimine], and shall not contain

- (a) intermediates or subsidiary dyes in amounts greater than is consistent with good manufacturing practice,



**Food and Drugs Act—continued**

- (b) a less content of pure dye than is consistent with good manufacturing practice,
- (c) arsenic, calculated as arsenic trioxide, in excess of 2 parts per million,
- (d) lead, calculated as lead, in excess of 10 parts per million, and
- (e) other heavy metals, determined by precipitation as sulphides, in excess of 100 parts per million.

**CALAMINE**

**Calamina**

**C.06.152. Calamine** (Calam.) shall be zinc oxide admixed with a small amount of ferric oxide and shall contain, after ignition, not less than 98 per cent of ZnO, and

- (a) its characters are
  - (i) *Description*,—Calamine is a pink, odourless, tasteless and impalpable powder that will pass completely through a 100 mesh sieve (designated 149 Microns in the Canadian Government Purchasing Standards Specification 8-GP-1), and
  - (ii) *Solubility*,—Calamine is
    - (1) insoluble in *water*, but
    - (2) almost completely soluble in mineral acids,
- (b) the tests for its identity are
  - (i) treat 1 gm. of calamine with 10 ml. of *dilute hydrochloric acid* and filter: the filtrate yields the *reactions* characteristic of zinc, and
  - (ii) treat 1 gm. of calamine with 10 ml. of *dilute hydrochloric acid*, filter, and add *solution of ammonium thiocyanate* to the filtrate: a reddish colour is produced, and
- (c) the tests for its purity are
  - (i) *Acid-insoluble substances*,—dissolve 2 gm. of calamine in 50 ml. of *dilute hydrochloric acid*; if an insoluble residue remains, collect it on a tared filter, wash it with *water*, dry at 100°C for 2 hours, cool, and weigh: the weight of the residue is not greater than 40 mg.,
  - (ii) *Alkaline substances*,—digest 1 gm. of calamine with 20 ml. of *water* on a steam-bath for 15 minutes, filter, and add 4 drops of *solution of phenolphthalein (0.5 per cent)*; if a red colour is produced, titrate with *N/10 sulphuric acid*: not more than 0.2 ml. of *N/10 sulphuric acid* is required to discharge the colour,
  - (iii) *Calcium*,—dissolve 1 gm. of calamine in 25 ml. of *dilute hydrochloric acid* and filter; add *dilute solution of ammonia* to the filtrate until the precipitate first formed is redissolved; then add 5 ml. more of *dilute solution of ammonia*; to 10 ml. of this solution add 2 ml. of *solution of ammonium oxalate*: not more than a slight turbidity is produced,
  - (iv) *Calcium or magnesium*,—dissolve 1 gm. of calamine in 25 ml. of *dilute hydrochloric acid* and filter; add *dilute solution of ammonia* to the filtrate until the precipitate first formed is redissolved; then add 5 ml. more of *dilute solution of ammonia*; add 2 ml. of *solution of sodium phosphate*: not more than a slight turbidity is produced,

**Food and Drugs Act**—*continued*

- (v) *Lead*,—to 1 gm. of calamine add 15 ml. of *water* and stir well; add 3 ml. of *glacial acetic acid*, warm on a water-bath until dissolved, filter, and add 5 drops of *solution of potassium chromate*: no turbidity is produced,
- (vi) *Arsenic*,—the *arsenic limit* in calamine is 5 parts per million, and
- (vii) *Loss on ignition*,—when ignited, calamine loses not more than 2 per cent of its weight.

**C.06.153.** Calamine shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed container.

## CALAMINE LOTION

## Lotio Calaminae

**C.06.155. Calamine Lotion** (Lot. Calam.) shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared from

- |  |           |
|--|-----------|
| (a) calamine, well levigated .....               | 80 gm.    |
| (b) zinc oxide .....                             | 80 gm.    |
| (c) glycerin .....                               | 20 ml.    |
| (d) bentonite magma .....                        | 400 ml.   |
| (e) calcium hydroxide solution, to produce ..... | 1,000 ml. |

by triturating the calamine and the zinc oxide with the glycerin, gradually adding the bentonite magma diluted with an equal volume of calcium hydroxide solution, and diluting the mixture to 1 litre with calcium hydroxide solution, and shall contain not less than 15 per cent and not more than 18 per cent of zinc oxide.

**C.06.156.** Calamine lotion shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed container.

## CASSIA OIL

## Oleum Cassiae

**C.06.160. Cassia Oil** (Ol. Cass.) shall be the oil distilled from the leaves and twigs of *Cinnamomum cassia* L., and shall contain not less than 80 per cent by weight of cinnamic aldehyde, and

- (a) its characters are
  - (i) *Description*,—cassia oil is a yellow liquid when freshly distilled, gradually becoming brown with age, and having an odour and taste resembling cinnamon but somewhat less pleasant, and
  - (ii) *Solubility*,—cassia oil is soluble in
    - (1) 2 volumes of *alcohol (70 per cent)*, and
    - (2) 1 volume of *glacial acetic acid*, and
- (b) the tests for its identity and purity are
  - (i) *Reaction*,—an alcoholic solution of cassia oil is slightly acid to moistened *litmus paper*,

**Food and Drugs Act—continued**

(ii) *Constants,—*

- (1) its *specific gravity* is between 1·045 and 1·063,
- (2) its *optical rotation* is between  $-1^{\circ}$  and  $+1^{\circ}$ ,
- (3) its *refractive index* ( $20^{\circ}\text{C}$ ) is between 1·6020 and 1·6135,

(iii) dissolve 1 drop of cassia oil in 5 ml. of *alcohol (90 per cent)* and add one drop of *test-solution of ferric chloride*: a blue or deep brown colour is produced,

(iv) *Synthetic products,—*rinse the interior surface of a well-cleaned 1,000 ml. beaker with successive portions of *water* and pass the rinsings through a small filter until the last filtered washing fails to give any reaction for *chlorides*; ignite a few drops of cassia oil on a porcelain dish, and immediately invert the moist beaker over it; rinse the sides of the beaker with 20 ml. of *water*, pass the washings through the washed filter, add 1 drop of *nitric acid* and 1 drop of *solution of silver nitrate*: no turbidity is produced, and

(v) *Colophony,—*mix 2 ml. of cassia oil with 4 ml. of *light petroleum (boiling point  $50^{\circ}$  to  $60^{\circ}$ )* and shake with 10 ml. of *dilute solution of copper acetate*: the light petroleum layer is not coloured green.

**C.06.161. Cassia oil shall be**

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a cool place in a well-closed container protected from light.

**COCONUT OIL**

Oleum Cocois

**C.06.170. Coconut Oil** (Ol. Cocois) shall be the fat expressed from the kernels of the fruit of the coconut tree, *Cocos nucifera* L. and *C. butyracea* L., and

(a) its characters are

(i) *Description,—*coconut oil occurs as a solid, pearl-white fat that

- (1) breaks below  $15^{\circ}\text{C}$  with a characteristic fracture,
- (2) has an odour reminiscent of coconut and a bland and agreeable taste, and
- (3) readily becomes rancid, and

(ii) *Solubility,—*coconut oil is

- (1) soluble in 2 parts of *alcohol (95 per cent)* at  $60^{\circ}\text{C}$  and less soluble at ordinary temperatures, and
- (2) readily soluble in *ether*, *chloroform*, and *carbon disulphide*,

(b) the tests for its purity are

*Constants,—*

- (i) its *melting point* is between  $23^{\circ}\text{C}$  and  $26^{\circ}\text{C}$ ,
- (ii) its *refractive index* at a temperature of  $40^{\circ}\text{C}$  is between 1·4485 and 1·4495,
- (iii) its *acid value* is not more than 6,



**Food and Drugs Act—continued**

- (iv) its *saponification value* is between 225 and 260, and
- (v) its *iodine value* is between 7·9 and 9·5, and
- (c) it shall be stored in a cool place in a well-closed container.

**CORN OIL**

Oleum Maydis

**C.06.180. Corn Oil, Maize Oil** (Ol. Mayd.) shall be the fixed oil expressed from the germ of the seed of *Zea mays* L., and

- (a) its characters are
  - (i) *Description*,—corn oil is
    - (1) a clear, light yellow liquid,
    - (2) odourless or nearly odourless, and
    - (3) bland in taste,
  - (ii) *Solubility*,—corn oil is slightly soluble in *alcohol* (95 per cent) and is miscible with
    - (1) *ether*,
    - (2) *chloroform*,
    - (3) *benzene*, and
    - (4) *light petroleum* (boiling point 50° to 60°), and
- (b) the tests for its purity are
  - (i) *Constants*,—
    - (1) its *specific gravity* is between 0·918 and 0·924,
    - (2) its *refractive index* at a temperature of 20°C is between 1·4732 and 1·4753,
    - (3) its *acid value* is less than 1·2,
    - (4) its *saponification value* is between 188 and 193, and
    - (5) its *iodine value* is between 111 and 130, and
  - (ii) corn oil shall comply with the *test for the absence of cotton-seed oil*.

**CYCLOPROPANE**

Cyclopropanum

 $(\text{CH}_2)_3$ 

Mol. Wt. 42.08

**C.06.190. Cyclopropane** (Cycloprop.) shall contain not less than 97 per cent v/v of cyclopropane, and

- (a) its characters are
    - (i) *Description*,—cyclopropane occurs as a gas at atmospheric pressure, that is
      - (1) inflammable, and
      - (2) explosive in mixtures with air or oxygen at certain concentrations,
    - (ii) *Density*,—one litre of cyclopropane at normal temperature and pressure weighs 1·879 gm., and
    - (iii) *Solubility*,—cyclopropane is miscible with
      - (1) *alcohol* (90 per cent),
      - (2) *chloroform*,
      - (3) *ether*, and
- one volume dissolves in approximately 2·7 volumes of *water* at 15°C, and

**Food and Drugs Act—continued**

- (b) the tests for its identity and purity are
- (i) *Boiling point*,—cyclopropane boils at  $-34.5^{\circ}\text{C}$  at 760 millimetres pressure,
  - (ii) *Foreign odours*,—transfer 10 ml. of liquid cyclopropane to a cylinder cooled in a bath at a temperature not higher than  $-40^{\circ}\text{C}$ , pour in successive small quantities on to a clean filter paper and allow it to evaporate: no foreign odour is detectable at any stage,
  - (iii) *Alcohol and water*,—pass a volume of the gas equivalent to 1,000 ml., measured at normal temperature and pressure, through a weighed tube containing *potassium hydroxide* in small pieces: the increase in weight of the tube does not exceed 9.4 mg., equivalent to 0.5 per cent w/w of the cyclopropane used,
  - (iv) *Unsaturated substances*,—pass the gas issuing from the tube in the immediately preceding test through a suitable spiral scrubber, containing 20 ml. of *solution of iodine monochloride* and followed by a guard tube containing *solution of potassium iodide*; determine the amount of halogen in the scrubber and guard tube by titration with *N/10 sodium thiosulphate*; repeat the operation using air: the difference between the two titrations does not exceed 17.9 ml., the equivalent of 2.0 per cent w/w of unsaturated substances calculated as propylene, and
  - (v) *Bromine-containing substances*.—pass a volume of the gas equivalent to 1,000 ml., measured at normal temperature and pressure, in admixture with the necessary amount of air, through a heated quartz tube containing pieces of platinized quartz; absorb the products of combustion in 100 ml. of a 3 per cent solution of *sodium peroxide* contained in equal amounts in two absorption vessels in series; mix the solution, boil for five minutes, add 10 ml. of *solution of potassium permanganate*, and boil for one minute; add, if necessary, *solution of potassium permanganate* drop by drop until a distinct purple tinge persists; add 6 ml. of *solution of hydrogen peroxide* drop by drop, boil for one minute, filter and wash the filter paper with *water*; add one drop of *solution of methyl red* to the solution, that should be colourless, and make slightly acid with *dilute hydrochloric acid*; boil to expel carbon dioxide and neutralize with *N/1 sodium hydroxide*; add 1 gm. of *sodium phosphate*, followed by 2 ml. of *solution of sodium hypochlorite*, and boil for one minute; add 2 ml. of a 20 per cent solution of *sodium formate*, boil for one minute, cool, add 10 ml. of *dilute sulphuric acid*, 10 ml. of *solution of potassium iodide*, and 1 drop of a 10 per cent solution of *ammonium molybdate*; allow to stand for one minute and titrate with *N/50 sodium thiosulphate*; repeat the operations using air: the difference between the two titrations does not exceed 2.2 ml., equivalent to 0.05 per cent w/w of bromine-containing substances calculated as propyl bromide.

**C.06.191. Cyclopropane shall be**

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored under compression in metal cylinders.

**Food and Drugs Act—continued****DICHLOROPHENARSINE HYDROCHLORIDE**

Dichlorophenarsinae Hydrochloridum

 $C_6H_6AsCl_2NO$ , HCl

Mol. Wt. 290.4

**C.06.200. Dichlorophenarsine Hydrochloride** (Dichlorophenarsin.

Hydrochlor.) shall be 3-amino-4-hydroxyphenyl-dichlorarsine hydrochloride, and, when dried in a vacuum desiccator over phosphorus pentoxide for 24 hours, shall contain not less than 25.3 per cent and not more than 27 per cent of total arsenic, trivalent arsenic equivalent to not less than 97 per cent of the total arsenic, and a chlorine content determined as chloride of not less than 35.5 per cent and not more than 37 per cent, as determined by the methods employed by the Food and Drug Laboratories, and

## (a) its characters are

- (i) *Description*,—dichlorophenarsine hydrochloride occurs as a white, odourless powder, and
- (ii) *Solubility*,—dichlorophenarsine hydrochloride is soluble in
  - (1) *water*,
  - (2) aqueous solutions of alkali hydroxides and carbonates, and
  - (3) dilute mineral acids,

## (b) the tests for its identity are

- (i) to approximately 50 mg. of dichlorophenarsine hydrochloride dissolved in 3 ml. of *water* add 0.25 gm. of *sodium hydro-sulphite*: a salmon-coloured precipitate is formed which changes rapidly to yellow,
- (ii) to 10 mg. of dichlorophenarsine hydrochloride dissolved in 1 ml. of *water*, add 1 ml. of *hydrochloric acid* and 1 drop of *hypophosphorous acid*: a nearly white to yellow precipitate is formed, and
- (iii) to 5 ml. of *acetone* contained in a test tube add approximately 50 mg. of dichlorophenarsine hydrochloride; insert a loose plug of cotton and boil gently: the escaping vapours will turn blue *litmus paper* red (difference from oxophenarsine hydrochloride), and

## (c) the tests for its purity are

- (i) *Loss on drying*,—when dried in a vacuum desiccator over fresh *phosphorus pentoxide* for 24 hours, dichlorophenarsine hydrochloride or mixtures containing dichlorophenarsine hydrochloride lose not more than 0.5 per cent by weight,
- (ii) *Solubility*,—dichlorophenarsine hydrochloride, both before and after being subjected to the thermostability test, is completely soluble in *water* as a 1 per cent solution, when tested by the method employed by the Food and Drug Laboratories,
- (iii) *Thermostability*,—when tested for thermostability by the method employed by the Food and Drug Laboratories, no marked change in colour, consistency, or solubility is found, and
- (iv) *Toxicity*,—the toxicity shall be equivalent to that of the Canadian Standard Dichlorophenarsine Hydrochloride as determined by the method employed by the Food and Drug Laboratories.



**Food and Drugs Act—continued**

**C.06.201.** Dichlorophenarsine hydrochloride shall be stored in a cool place, preferably not above 20°C, in hermetically sealed containers of colourless glass that have been sterilized prior to filling, and from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

**C.06.202.** Dichlorophenarsine hydrochloride in mixture form with buffering agents and substances for rendering its solution physiologically compatible with human blood shall contain total arsenic equivalent to not less than 92·5 per cent and not more than 107·5 per cent of the labelled amount of dichlorophenarsine hydrochloride; such mixtures shall meet the tests for identity and completeness of solubility prescribed by C.06.200, and should be stored as directed in C.06.201.

**C.06.203** Every manufacturer of dichlorophenarsine hydrochloride shall submit to the Chief Dominion Analyst a sample of each lot of dichlorophenarsine hydrochloride manufactured, which sample shall consist of

- (a) not less than 10 sealed ampoules of the product as completed for issue, taken by random sampling from the whole lot, and shall, in no case, consist of less than 0·6 gm. of the product, and
- (b) 2 ampoules of 1 gm. each of pure dichlorophenarsine hydrochloride,

and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of

- (c) arsenic content, total and trivalent,
- (d) chlorine content,
- (e) moisture, and
- (f) toxicity.

**C.06.204.** Every manufacturer of dichlorophenarsine hydrochloride shall submit, whenever requested to do so by the Chief Dominion Analyst, clinical evidence of the safety of any lot of dichlorophenarsine hydrochloride manufactured by him.

**C.06.205.** No manufacturer shall sell any dichlorophenarsine hydrochloride from a lot that has not been released by the Chief Dominion Analyst.

**C.06.206.** A manufacturer of dichlorophenarsine hydrochloride shall keep records in form satisfactory to the Minister, of each lot of dichlorophenarsine hydrochloride respecting its

- (a) manufacture,
- (b) testing,
- (c) disposition, and
- (d) distribution,

and in each case the date thereof.

**C.06.207.** A manufacturer of dichlorophenarsine hydrochloride shall withdraw from sale and shall recall any lot of dichlorophenarsine hydrochloride that in the opinion of the Chief Dominion Analyst is deficient in any respect.

**Food and Drugs Act—continued**

**C.06.208.** No person shall sell any dichlorophenarsine hydrochloride unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the quantity in grams of dichlorophenarsine hydrochloride per ampoule,
- (b) the lot number,
- (c) the expiration date, that shall be not more than 3 years after the date of release by the Chief Dominion Analyst,
- (d) the names of any admixed substances, except on the inner label of single-dose containers, and
- (e) where applicable a statement that the container is a multiple-dose container.

**DIGITALIS****Digitalis**

**C.06.210. Digitalis, Digitalis Leaf, Digitalis Leaves** (Digit.) shall be the leaf of *Digitalis purpurea* L., rapidly dried at a temperature between 55°C and 60°C as soon as possible after collection, and its potency shall not be less than 10 International Units per gram, and

(a) its characters are

- (i) *Macroscopic*,—digitalis consists of more or less crumpled or broken leaves, usually dark green on the upper surface and greyish on the under surface owing to pubescence, and with the larger veins frequently purplish; as a rule they vary from 10 to 30 centimetres in length and from 4 to 10 centimetres in width; in shape, they vary from ovate-lanceolate to broadly ovate, and petiolate; they have an irregularly crenate or serrate margin, decurrent at the base and sub-acute at the apex; the upper surface is hairy, the under surface densely pubescent and the veinlets reticulate,
  - (ii) *Microscopic*,—the upper epidermis has slightly wavy vertical walls, with few or no stomata; the under epidermis is similar, but with numerous stomata and many hairs; over irregular areas, especially near the veins, the hairs are frequently not attached to the cell structure within; the hairs are simple, usually 3 to 5 cells in length, bluntly pointed and finely wavy; the glandular hairs consist usually of a unicellular pedicel bearing a one-celled or two-celled head; the chlorenchyma consists of a single layer of palisade cells and several layers of spongy parenchyma; there are numerous fibro-vascular bundles in the larger veins and in the petiole, separated by medullary rays one cell wide; the tracheae are annular, reticulate, or spiral; calcium oxalate and sclerenchymatous elements are absent, and
  - (iii) digitalis has a slight odour when dry, but peculiar and characteristic when moistened; and a decidedly bitter taste, and
- (b) the tests for its purity are
- (i) *Loss on drying*,—when dried at 100°C, digitalis loses not more than 6 per cent by weight,
  - (ii) *Acid-insoluble ash*,—the acid-insoluble ash of digitalis does not exceed 5 per cent by weight, and

**Food and Drugs Act**—*continued*

- (iii) *Foreign organic matter*,—digitalis does not contain more than 2 per cent of foreign organic matter, including stems, browned leaves, or flowers.

**C.06.211.** Digitalis shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and  
(b) stored to prevent access of moisture in a well-closed container that includes where necessary a device containing a non-liquefying, inert, dehydrating substance to control the humidity.

**DIGITOXIN**

Digitoxinum

**C.06.220. Digitoxin** (Digitoxin.) shall be either pure digitoxin ( $C_{41}H_{64}O_3$ ) or a mixture of cardioactive glycosides that consist chiefly of digitoxin obtained from *Digitalis purpurea* L., and shall correspond in potency to the Canadian Standard Digitoxin, and

- (a) its characters are

- (i) *Description*,—digitoxin is a white or pale buff, odourless, microcrystalline powder, and  
(ii) *Solubility*,—digitoxin is insoluble in *water* and very slightly soluble in *ether*, and 1 gm. dissolves in  
(1) approximately 10 ml. of *chloroform*, and  
(2) approximately 60 ml. of *alcohol* (95 per cent),

- (b) the test for its identity is

- (i) add 0.5 ml. of *test-solution of ferric chloride* to 100 ml. of *glacial acetic acid*, and mix well; dissolve about 1 mg. of digitoxin in 2 ml. of this solution and underlay it with 2 ml. of *sulphuric acid*: a brown colour is produced at the zone of contact of the two liquids which gradually changes to light green, then to blue, and finally the entire acetic acid layer acquires a blue colour, and

- (c) the tests for its purity are

- (i) *Completeness of solution in chloroform*,—frequently agitate 100 mg. of digitoxin with 5 ml. of *chloroform* in a tightly stoppered cylinder: the digitoxin dissolves completely within 24 hours with or without opalescence,  
(ii) *Digitonin*,—dissolve 10 mg. of digitoxin in 2 ml. of *alcohol* (95 per cent) in a test tube the inner wall of which is free from scratches, add 2 ml. of *solution of cholesterol*, and mix by gentle agitation: no precipitate is formed within 10 minutes,  
(iii) *Loss on drying*,—when dried at 100°C for 2 hours digitoxin loses not more than 1 per cent by weight, and  
(iv) *Ash*,—when incinerated, digitoxin leaves not more than 0.05 per cent of ash.

**C.06.221.** Digitoxin shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and  
(b) stored in well-closed containers.



**Food and Drugs Act—continued**

**C.06.222.** No person shall sell any digitoxin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the lot number, and
- (b) the number of milligrams of digitoxin and an equivalent statement of the strength in terms by weight of digitalis leaf per tablet or other individual dosage or dispensing form.

**DIGOXIN**

Digoxinum

$C_{41}H_{64}O_{14}$

Mol. Wt. 780.9

**C.06.230. Digoxin** (Digoxin.) shall be a glycoside obtained from the leaves of *Digitalis lanata* Ehrh., and shall correspond in potency to Canadian Standard Digoxin, and

(a) its characters are

(i) *Description*,—digoxin occurs as colourless to white crystals or as a white crystalline powder that is odourless, and melts indistinctly, and with decomposition, at approximately 265°C.

(ii) *Solubility*,—digoxin is insoluble in

- (1) *water*,
- (2) *chloroform*,
- (3) *ether*, but

freely soluble in *pyridine*, and soluble in *alcohol* (50 per cent), and

(iii) *Specific rotation*,—the specific rotation,  $\alpha_D^{25}$ , of digoxin, determined in a solution in *anhydrous pyridine* containing 1 gm. of digoxin in 10 ml. of solution, using a mercury light at 546 m $\mu$  and a 200-millimetre tube, is between 13.4° and 13.8°.

(b) the test for its identity is

(i) add 0.5 ml. of *test-solution of ferric chloride* to 100 ml. of *glacial acetic acid* and mix well; dissolve about 1 mg. of digoxin in 2 ml. of this solution and underlay with 1 ml. of *sulphuric acid*: a brown ring, free from red, is produced at the junction of the two liquids; after some time the acetic acid layer acquires a blue colour, and

(c) the tests for its purity are

(i) *Loss on drying*,—when dried at 60°C in vacuum over *sulphuric acid*, digoxin loses not more than 0.5 per cent by weight, and

(ii) *Ash*,—when incinerated, digoxin leaves not more than 0.05 per cent of ash.

**C.06.231.** Digoxin shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in tightly-closed containers, resistant to light.

**C.06.232.** No person shall sell any digoxin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the lot number, and
- (b) the number of milligrams of digoxin per tablet or other individual dosage or dispensing form.

**Food and Drugs Act—continued**

**DILUTE PHOSPHORIC ACID**

*Acidum Phosphoricum Dilutum*

**C.06.240. Dilute Phosphoric Acid** (Acid. Phosph. Dil.) shall be prepared by mixing the following ingredients in accordance with a direct ratio to a 1 kilogram lot that shall be prepared from

- (a) Phosphoric Acid      116 gm.      ( 68 ml.)
- (b) Distilled Water      884 gm.      (884 ml.),

and shall contain not less than 9·5 per cent and not more than 10·5 per cent w/w of phosphoric acid.

**C.06.241.** The tests for the purity of dilute phosphoric acid are

- (a) *Specific Gravity*,—its specific gravity is between 1·050 and 1·053, and
- (b) dilute phosphoric acid complies with the tests for purity described in C.06.430, when eight times the quantity is taken for each test.

**C.06.242.** Dilute phosphoric acid shall be assayed by the method employed by the Food and Drug Laboratories.

**DRIED THYROID**

*Thyroideum Siccum*

**C.06.250. Dried Thyroid** (Thyroid Sicc.) shall be the cleaned, dried, powdered thyroid glands of domestic animals used for food, and shall contain not less than 0·27 per cent, and not more than 0·33 per cent of iodine and no added iodine in either inorganic or organic form, and

(a) its characters are

(i) *Description*,—

- (1) *General*,—dried thyroid occurs as a cream-coloured, amorphous powder; the odour and taste are faint and meat-like, and
- (2) *Microscopical*,—when suitably mounted and examined under the microscope, dried thyroid shows the following: numerous smooth to striated hyaline fragments of colloids, of angular to irregular shape, that are colourless to pale yellow in water mounts, brown in *Mallory's stain* and pink in *solution of eosin*, some of these fragments containing granules, minute vacuoles, crystalloidal bodies and cells; numerous irregular fragments of follicular epithelium staining brown with *Mallory's stain*, the individual cells more or less polygonal to rounded-angular or irregularly cuboidal, often with prominent nuclei staining dark blue, their cytoplasm purplish with *DeLafeld's solution of haematoxylin*; slender glistening segments of capillaries of closely undulate outline; numerous slender segments of neuraxons; numerous aggregates of particles of intercellular substance and slender, mostly straight connective tissue fibres staining blue to greenish blue with a mixture of *Mallory's stain* and *solution of phosphotungstic acid*, the bundles of fibres often appearing reddish in *Mallory's stain*; few glistening fragments of blood vessels with serrated or crenated ends as viewed in water mounts, and

**Food and Drugs Act**—*continued*

(b) the tests for its purity are

- (i) *Inorganic iodine*,—add to 1 gm. of dried thyroid 10 ml. of a saturated solution of *zinc sulphate* in *water*, shake, allow to stand 5 minutes, and filter through a fritted glass filter; add to 5 ml. of the filtrate 0.5 ml. of *mucilage of starch* and 4 drops each of a 10 per cent w/v solution of *sodium nitrate* in *water* and *dilute sulphuric acid*, shaking after each addition: no blue colour is produced, and
- (ii) *Moisture*,—dried thyroid loses not more than 6 per cent by weight of moisture when tested by the method employed by the Food and Drug Laboratories.

**C.06.251. Dried thyroid** shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a cool place and in a well-closed container.

**EPINEPHRINE**

Epinephrina

$C_9H_{13}NO_3$

Mol. Wt. 183.2

**C.06.260. Epinephrine** (Epineph.) shall be *l*- $\alpha$ -3,4-dihydroxyphenyl- $\beta$ -methyl aminoethanol, and

(a) its characters are

- (i) *Description*,—epinephrine occurs as a white or light brownish, microcrystalline, odourless powder, gradually darkening on exposure to air or light and its solutions are slightly alkaline to *litmus* and turn brown on exposure to light,
- (ii) *Solubility*,—epinephrine is
  - (1) very slightly soluble in
    - (a) *water*, and
    - (b) *alcohol* (95 per cent), and
  - (2) insoluble in
    - (a) *ether*,
    - (b) *chloroform*, and
    - (c) fixed and volatile oils, and
- (iii) *Specific rotation*,—the *specific rotation*,  $\alpha_D^{25}$ , of epinephrine is between  $-50^\circ$  and  $-53.5^\circ$  and is determined using a solution obtained by dissolving 1 gm. of epinephrine, previously dried over *sulphuric acid* to constant weight, in sufficient *N/2 hydrochloric acid* to make 20 ml. at  $25^\circ\text{C}$ , and using a 200-millimetre tube,

(b) the tests for its identity are

- (i) add *test-solution of ferric chloride* to a slightly acid solution of epinephrine (1:1,000): an emerald green colour is produced which changes to cherry red and finally to brown on standing, and
- (ii) other oxidizing agents produce red, pink, or violet colours which change to brown, and



**Food and Drugs Act—continued**

(c) the tests for its purity are

- (i) *Plant alkaloids*,—an acid solution of epinephrine (1:1,000) is not visibly affected by solutions of *trinitrophenol*, *tannic acid*, *phosphomolybdic acid*, *platinic chloride*, or *solution of potassio-mercuric iodide*,
- (ii) *Loss on drying*,—when dried in a vacuum over *sulphuric acid* for 18 hours, epinephrine loses not more than 2 per cent by weight, and
- (iii) *Ash*,—when incinerated, epinephrine leaves not more than 0.05 per cent of ash.

**C.06.261.** Epinephrine shall be stored in tightly-closed containers resistant to light.

**C.06.262.** No person shall sell any epinephrine unless both the inner and the outer labels of every package thereof carry the lot number legibly and conspicuously.

**EPINEPHRINE HYDROCHLORIDE SOLUTION**

**Liquor Epinephrinae Hydrochloridum**

**C.06.270. Epinephrine Hydrochloride Solution** (Liq. Epineph. Hydroch.) shall be a solution of epinephrine in distilled water acidulated with hydrochloric acid and its stated concentration shall correspond in potency to that of a solution of Canadian Standard Epinephrine of the same stated concentration, and

(a) its characters are

- (i) *Description*,—epinephrine hydrochloride solution is a nearly colourless, slightly acid liquid, gradually turning dark on exposure to air or light, but if the solution is brown in colour, or contains a precipitate, it shall not be used, and

(b) the test for its identity is

- (i) add 1 drop of *test-solution of ferric chloride* to 10 ml. of epinephrine hydrochloride solution: an emerald green colour is produced, which soon changes to cherry red and finally to brown.

**C.06.271.** Epinephrine hydrochloride solution shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a cool place in well-filled, well-closed containers protected from light.

**C.06.272.** No person shall sell any epinephrine hydrochloride solution unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the concentration (for example 1:100 or 1:1,000),
- (b) the lot number, and
- (c) except on the inner label of single-dose containers, the expiration date.

**C.06.273.** The expiration date for epinephrine hydrochloride solution shall be not later than 18 months after assay.

**Food and Drugs Act—continued****GELATIN**

## Gelatinum

**C.06.280. Gelatin** (Gelat.) shall be the protein that is obtained by extraction of collagenous material, and

## (a) its characters are

(i) *Description*,—gelatin occurs in translucent sheets, shreds, powder, or granules that are colourless or pale-yellowish in colour and possess a slight odour and taste, and

(ii) *Solubility*,—gelatin is

## (1) insoluble in

(a) cold water, but swells and softens when immersed in it,

(b) alcohol (90 per cent),

(c) solvent ether, and

(d) chloroform, and

## (2) soluble in

(a) hot water, forming a jelly on cooling,

(b) a cold mixture of glycerin and water, and

(c) acetic acid,

## (b) the tests for its identity are

(i) a dilute solution of gelatin in water produces a precipitate with

(1) solution of trinitrophenol,

(2) solution of tannic acid,

(3) solutions of chromium trioxide,

but not with

(4) other acids,

(5) a dilute solution of alum,

(6) solution of lead acetate, or

(7) test-solution of ferric chloride,

(ii) when heated with soda lime, it evolves ammonia, and

(iii) a solution in water produces, with solution of mercury nitrate, a white precipitate which develops a brick-red colour on warming, and

## (c) the tests for its purity are

(i) Arsenic,—the arsenic limit shall be 1.4 parts per million,

(ii) Copper,—the copper limit shall be 30 parts per million,

(iii) Fluorine,—the fluorine limit shall be 1.4 parts per million,

(iv) Lead,—the lead limit shall be 10 parts per million,

(v) Sulphur dioxide,—the sulphur dioxide limit shall be 500 parts per million,

(vi) Zinc,—the zinc limit shall be 50 parts per million,

(vii) Odour and taste of a solution,—a warm 5 per cent w/v solution of gelatin in water shall be free from objectionable taste and offensive odour,

(viii) Loss on drying,—gelatin shall lose not more than 16 per cent of its weight when dried by the method employed by the Food and Drug Laboratories,

(ix) Ash,—gelatin shall leave not more than 2.6 per cent of ash when determined by the method employed by the Food and Drug Laboratories, and

(x) Bacterial content,—when tested by the method employed by the Laboratory of Hygiene it shall not show the presence of more than 10,000 bacteria per gram and coliform bacteria shall not be evident in 0.01 gram.

**Food and Drugs Act—continued**

**HALIBUT LIVER OIL**

Oleum Hippoglossi

**C.06.290. Halibut Liver Oil** (Ol. Hippoglos.) shall be the fixed oil extracted from the fresh or suitably preserved liver of the halibut, *Hippoglossus hippoglossus* L. and other species of *Hippoglossus*, and shall contain in each gram not less than 60,000 International Units of vitamin A activity, and

(a) its characters are

- (i) *Description*,—halibut liver oil is a yellow to brownish yellow oily liquid, possessing a slightly fishy, but not rancid odour, and a fishy taste,
- (ii) *Solubility*,—halibut liver oil is slightly soluble in *alcohol* (90 per cent), and is miscible with
  - (1) *ether*,
  - (2) *chloroform*,
  - (3) *carbon disulphide*, and
  - (4) *ethyl acetate*,

(b) the test for its identity is

- (i) dissolve 1 drop of halibut liver oil in 1 ml. of *chloroform* and shake the mixture with 1 drop of *sulphuric acid*: a blue colour is produced, which changes to violet, then to dark green, and finally to black, and

(c) the tests for its purity are

(i) *Constants*,—

- (1) its *specific gravity* is between 0.920 and 0.930,
- (2) its *saponification value* is between 160 and 180,
- (3) its *iodine value* is between 125 and 155, and
- (4) the unsaponifiable matter is between 7 and 13.5 per cent, and

- (ii) *Acid value*,—the *acid value* of halibut liver oil is not greater than 2.8 when determined by dissolving 2 gm. halibut liver oil in a mixture of 10 ml. each of *alcohol* (95 per cent) and *ether*, previously neutralized to *phenolphthalein*, and titrating with *N/10 sodium hydroxide*, using *solution of phenolphthalein* as indicator, the titration being complete when a pink colour persists after shaking for 15 seconds.

**C.06.291. Halibut liver oil** shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a dark, cool place in a well-filled, well-closed container from which air has been excluded.

**INJECTION OF DIGITALIS**

Injectio Digitalis

**C.06.300. Injection of Digitalis** (Inj. Digit.) shall be a solution of one or more of the glycosides or of the therapeutically desirable and cardio-active constituents of *Digitalis purpurea* L., in sterilized water or in diluted alcohol and shall be

- (a) sterilized by filtration, as described in the British Pharmacopoeia, and
- (b) assayed by the method employed by the Food and Drug Laboratories.



**Food and Drugs Act**—*continued*

**C.06.301.** No person shall sell any injection of digitalis unless the label of every package thereof carries, legibly and conspicuously,

- (a) on both the inner and the outer labels
  - (i) the potency in International Units per millilitre,
  - (ii) the lot number, and
  - (iii) except on the inner label of containers containing 2 ml. or less, the expiration date, and
- (b) on the outer label a cautionary statement in the following or similar terms:

*Caution:* one digitalis unit given intravenously generally has a greater effect than the same amount given orally. Physicians are advised to take cognizance of the fact when administering injection of digitalis.

**C.06.302.** The expiration date for injection of digitalis shall be not later than two years after the date of assay.

**INJECTION OF DIGITOXIN****Injectio Digitoxini**

**C.06.310. Injection of Digitoxin** (Inj. Digitox.) shall be a solution of digitoxin in alcohol (40 to 50 per cent) and may also contain glycerin, and shall be

- (a) sterilized by heating in an autoclave as described in the British Pharmacopoeia,
- (b) assayed by the method employed by the Food and Drug Laboratories, and
- (c) stored in single-dose hermetically sealed containers protected from light.

**C.06.311** No person shall sell any injection of digitoxin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the amount of digitoxin contained in each millilitre, and
- (b) the lot number.

**INJECTION OF DIGOXIN****Injectio Digoxini**

**C.06.320. Injection of Digoxin** (Inj. Digoxin.) shall be a solution of digoxin in alcohol (70 per cent) and shall be

- (a) sterilized by Tyndallization or by filtration as described in the British Pharmacopoeia,
- (b) assayed by the method employed by the Food and Drug Laboratories, and shall contain not less than 67 per cent and not more than 73 per cent v/v of alcohol ( $C_2H_5OH$ ), and
- (c) stored in single-dose hermetically sealed containers protected from light.

**Food and Drugs Act—continued**

**C.06.321.** No person shall sell any injection of digoxin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the amount of digoxin contained in each millilitre, and
- (b) the lot number.

**INJECTION OF LANATOSIDE C**

**Injunctio Lanatosidi C**

**C.06.330. Injection of Lanatoside C** (Inj. Lanatosid. C) shall be a solution of lanatoside C in alcohol (10 per cent) and may also contain glycerin, and shall contain, in each millilitre, the labelled amount of lanatoside C, and shall be

- (a) sterilized preferably by filtration as described in the British Pharmacopoeia,
- (b) assayed by the method employed by the Food and Drug Laboratories, and
- (c) stored in single-dose hermetically sealed containers protected from light.

**C.06.331.** No person shall sell any injection of lanatoside C unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the amount of lanatoside C contained in each millilitre, and
- (b) the lot number.

**INJECTION OF OUABAIN**

**Injunctio Ouabaini**

**C.06.340. Injection of Ouabain** (Inj. Ouabain.) shall be a solution of ouabain in sterilized water and shall be

- (a) sterilized by Tyndallization or by filtration as described in the British Pharmacopoeia,
- (b) assayed by the method employed by the Food and Drug Laboratories, and
- (c) stored in single-dose hermetically sealed ampoules protected from light and heat.

**C.06.341.** No person shall sell any injection of ouabain unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the potency, expressed in terms of milligrams of International Standard Ouabain per millilitre,
- (b) the lot number, and
- (c) the expiration date.

**C.06.342.** The expiration date for injection of ouabain shall be not later than two years after the date of assay.

**Food and Drugs Act**—*continued***INJECTION OF STROPHANTHIN****Injectio Strophanthini**

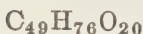
**C.06.350. Injection of Strophanthin** (Inj. Strophanthin.) shall be a solution of strophanthin in sterilized water and shall be

- (a) sterilized by Tyndallization or by filtration as described in the British Pharmacopoeia,
- (b) assayed by the method employed by the Food and Drug Laboratories, and
- (c) stored in single-dose hermetically sealed ampoules protected from light and heat.

**C.06.351.** No person shall sell any injection of strophanthin unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the potency, expressed in terms of milligrams of International Standard Ouabain per millilitre,
- (b) the lot number, and
- (c) the expiration date.

**C.06.352.** The expiration date for injection of strophanthin shall be not later than two years after the date of assay.

**LANATOSIDE C****Lanatosidum C**

Mol. Wt. 984.6

**C.06.360. Lanatoside C** (Lanatosid. C) shall be a glycoside obtained from the leaves of *Digitalis lanata* Ehrh., and

- (a) its characters are
  - (i) *Description*,—lanatoside C occurs as colourless or white crystals or as a white crystalline powder that is
    - (1) odourless,
    - (2) melts indistinctly and with decomposition at approximately 250°C, and
    - (3) is hygroscopic, rapidly absorbing approximately 7 per cent of moisture when exposed to air,
  - (ii) *Solubility*,—lanatoside C is
    - (1) insoluble in *water*,
    - (2) practically insoluble in *ether*,
    - (3) practically insoluble in *light petroleum*,
    - (4) sparingly soluble in *alcohol* (95 per cent),
    - (5) soluble in *dioxan*,
    - (6) soluble in *pyridine*,
    - (7) soluble, 1:20 w/v, in *methyl alcohol*, and
    - (8) soluble, 1:2,000 w/v, in *chloroform*, and
  - (iii) *Specific rotation*,—the specific rotation,  $\alpha_D^{25}$ , of lanatoside C is between 33.4° and 33.7° and is determined using a solution in *alcohol* (95 per cent) containing the equivalent of 200 mg. of dried lanatoside C in 10 ml. of the solution, and using a 100-millimetre tube,



**Food and Drugs Act—continued**

- (b) the test for its identity is
  - (i) add 0.5 ml. of *test-solution of ferric chloride* to 100 ml. of *glacial acetic acid*, and mix well; dissolve 2 to 3 mg. of lanatoside C in 5 ml. of this solution, and underlay with 5 ml. of *sulphuric acid*: an intense indigo-blue colour is immediately formed in the acetic acid layer, and a brown ring, free from red, is produced at the junction of the two liquids, and
- (c) the tests for its purity are
  - (i) *Loss on drying*,—when dried in vacuum over *sulphuric acid* to constant weight, lanatoside C loses not more than 7.5 per cent by weight, and
  - (ii) *Ash*,—when incinerated, lanatoside C leaves not more than 0.05 per cent of ash.

**C.06.361.** Lanatoside C shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in closed containers resistant to light.

**C.06.362.** No person shall sell any lanatoside C unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the lot number, and
- (b) the number of milligrams of lanatoside C per tablet or other individual dosage or dispensing form.

**LINIMENT OF CAMPHOR**

*Linimentum Camphorae*

**C.06.370.** **Liniment of Camphor, Camphor Liniment, Camphorated Oil** (Lin. Camph.) shall be a solution of camphor in any vegetable oil that

- (a) is free from objectionable odour,
- (b) is pale yellow or pale green in colour,
- (c) has an iodine value (Hanus) not exceeding 135, and
- (d) has a freezing point not above 0°C,

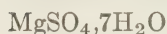
and shall contain not less than 19 per cent and not more than 21 per cent of camphor.

**C.06.371.** The test for the purity of liniment of camphor is

*Mineral oil*,—boil 1 gm. of the oil resulting from the assay with 10 ml. of *N/1 potassium hydroxide, alcoholic*, under a reflux condenser for 15 minutes: the resulting liquid is clear and homogeneous.

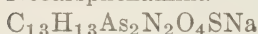
**C.06.372.** Liniment of camphor shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a cool place, in a well-closed container.

**Food and Drugs Act**—*continued***MAGNESIUM SULPHATE****Magnesii Sulphas**

Mol. Wt. 246.5

**C.06.380. Magnesium Sulphate, Epsom Salt** (Mag. Sulph.) shall be the Magnesium Sulphate of the British Pharmacopoeia, except that it may contain not more than the equivalent of 120 per cent of  $\text{MgSO}_4 \cdot 7\text{H}_2\text{O}$ .

**NEOARSPHENAMINE****Neoarsphenamina**

Mol. Wt. 466.1

**C.06.390. Neoarsphenamine** (Neoarsphen.) shall be the sodium salt of 3,3'-diamino-4,4'-dihydroxyarsenobenzene-N-methanal sulphonylate that shall contain not less than 18 per cent and not more than 21 per cent of arsenic, when determined by the method employed by the Food and Drug Laboratories, and

(a) its characters are

- (i) *Description*,—neoarsphenamine occurs as a yellow powder that is odourless or has a slight odour and its solution in *water* is neutral or slightly alkaline to *litmus paper* (difference from arsphenamine and sulpharsphenamine), and in the dry state or in solution it is readily oxidized by exposure to the air, becoming darker and more toxic, and the oxidation is accelerated by increasing the temperature, and
- (ii) *Solubility*,—neoarsphenamine is
  - (1) very soluble in *water*,
  - (2) soluble in *glycerin*,
  - (3) slightly soluble in *alcohol* (95 per cent), and
  - (4) almost insoluble in
    - (a) *dehydrated alcohol*,
    - (b) *chloroform*, and
    - (c) *ether*,

(b) the tests for its identity are

- (i) to 20 ml. of a solution of neoarsphenamine (1:100) in recently boiled *water* add 0.5 ml. of *dilute hydrochloric acid*: a heavy precipitate is formed within 1 minute,
- (ii) to 10 ml. of a solution of neoarsphenamine (1:100) in recently boiled *water* add 10 ml. of *dilute hydrochloric acid* and heat: the odour of sulphur dioxide is perceptible,
- (iii) to 5 ml. of a solution of neoarsphenamine (1:1,000) in recently boiled *water* add 3 drops of freshly prepared *test-solution of ferric chloride*: a purple or purplish red colour is produced which changes to dark red, and
- (iv) to the solution resulting from the assay for arsenic add *hydrogen sulphide*: a yellow precipitate is formed, which is soluble in *solution of ammonium carbonate*, and

(c) the tests for its purity are

- (i) *Loss on drying*,—when dried for 24 hours in a vacuum desiccator over fresh *phosphorus pentoxide*, neoarsphenamine loses not more than 1.5 per cent by weight,

**Food and Drugs Act—continued**

- (ii) *Solubility*,—add 0.6 gm. neoarsphenamine to 6 ml. of *water* in a test tube and gently rotate the mixture: a complete solution results in 5 minutes,
- (iii) *Thermostability*,—when tested for thermostability by the method employed by the Food and Drug Laboratories, no change in colour, consistency, or solubility is found, and
- (iv) *Toxicity*,—the toxicity is not greater than that of the International Reference Standard Neoarsphenamine as determined by the method employed by the Food and Drug Laboratories.

**C.06.391.** Neoarsphenamine shall be stored in a cool place, preferably not above 20°C, in sealed tubes of colourless glass from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

**C.06.392.** Every manufacturer of neoarsphenamine shall submit to the Chief Dominion Analyst a sample of each lot of neoarsphenamine manufactured, which sample shall consist of not less than 8 sealed containers of the product as completed for issue, taken by random sampling from the whole lot, and shall, in no case, consist of less than 7.2 gm. of the product, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of

- (a) arsenic content,
- (b) moisture, and
- (c) toxicity.

**C.06.393.** Every manufacturer of neoarsphenamine shall submit, whenever requested to do so by the Chief Dominion Analyst, clinical evidence of the safety of any lot of neoarsphenamine manufactured by him.

**C.06.394.** No manufacturer shall sell any neoarsphenamine from a lot that has not been released by the Chief Dominion Analyst.

**C.06.395.** A manufacturer of neoarsphenamine shall keep standing records in form satisfactory to the Minister, of each lot of neoarsphenamine respecting its

- (a) manufacture,
- (b) testing,
- (c) disposition, and
- (d) distribution,

and in each case the date thereof.

**C.06.396.** The manufacturer shall withdraw from sale and shall recall any lot of neoarsphenamine which in the opinion of the Chief Dominion Analyst is deficient in any respect.

**C.06.397.** No person shall sell any neoarsphenamine unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the quantity in grams of neoarsphenamine per ampoule,
- (b) the lot number,
- (c) the expiration date, that shall be not later than 4 years after the date of release by the Chief Dominion Analyst, and
- (d) where applicable, a statement that the container is a multiple-dose container.



**Food and Drugs Act—continued****NITROUS OXIDE**

Nitrogenii Monoxidum

 $N_2O$ 

Mol. Wt. 44.02

**C.06.400. Nitrous Oxide** (Nitrogen. Monox.) shall contain, when drawn from a cylinder in the upright position, not less than 98 per cent v/v of nitrous oxide, and

(a) its characters are

- (i) *Description*,—nitrous oxide occurs as a colourless gas, heavier than air, possessing a characteristic odour and a faintly sweetish taste, and
- (ii) *Solubility*,—one volume of nitrous oxide dissolves in approximately 2 volumes of water at temperatures between 15°C and 25°C,

(b) the tests for its identity are

- (i) a glowing splinter of wood bursts into flame on being plunged into the gas, and
- (ii) when mixed with an equal volume of nitric oxide, no red fumes are produced (difference from oxygen), and

(c) the tests for its purity are

- (i) *Carbon monoxide*,—nitrous oxide, that shall be the first portion drawn from a cylinder thereof in the upright position, contains not more than 50 parts per million v/v of carbon monoxide; pass a measured volume of between 5 and 10 litres, calculated to normal temperature and pressure, through a purifying train comprising

- (1) *fuming sulphuric acid*,
- (2) *sulphuric acid*,
- (3) 33 per cent w/v aqueous solution of *potassium hydroxide*,
- (4) *soda lime*,
- (5) *potassium hydroxide*, and
- (6) *phosphorus pentoxide*,

and then through a tube containing *iodine pentoxide* (previously dried at 200°C) maintained at a temperature of 120°C, and absorb the liberated iodine in solution of *potassium iodide*; sweep out the apparatus with 5 litres of air free from carbon monoxide; titrate the iodine with *N/500 sodium thiosulphate*, and from the amount used subtract the amount required in a similar test in which 5 litres of air free from carbon monoxide are used: each millilitre of the difference between the two titrations is equivalent to 0.112 ml. of carbon monoxide at normal temperature and pressure,

- (ii) *Water vapour and carbon dioxide*,—pass a measured quantity of nitrous oxide successively through absorption tubes containing (1) *phosphorus pentoxide* and (2) *soda lime*: the increase of weight of tube (1) does not exceed 2 mg. per litre of gas, and the increase in weight of tube (2) does not exceed 4 mg. per litre of gas, both the initial and final weighings of the absorption tubes being made when the air in them has been displaced with nitrous oxide,

- (iii) *Uncondensable gases*,—expose a measured volume of nitrous oxide to the temperature of liquid air: the proportion of uncondensed gases is not greater than 1.5 per cent v/v,

**Food and Drugs Act—continued**

- (iv) *Arsine and phosphine*,—pass a volume of nitrous oxide equivalent to 2 litres, measured at normal temperature and pressure, through a glass tube, as in the *arsenic limit test*: no visible stain is produced on the *mercuric bromide paper*,
- (v) *Halides and hydrogen sulphide*,—pass a volume of nitrous oxide, equivalent to 2 litres measured at normal temperature and pressure, in 30 minutes through 100 ml. of *water* containing 1 ml. of *solution of silver nitrate*: neither opalescence nor darkening is produced,
- (vi) *Acidity and Alkalinity*,—to 300 ml. of *water* add 1 ml. of *solution of methyl red* and boil for 5 minutes; transfer 100 ml. of this solution to three similar cylinders and label them 1, 2, and 3; while still warm add 0.1 ml. of *N/100 sulphuric acid* or *N/100 hydrochloric acid* to cylinder 1, 0.2 ml. of the same acid to cylinder 2, and 0.3 ml. to cylinder 3; stopper cylinders 1 and 3, and pass a volume of nitrous oxide, equivalent to 2 litres measured at normal temperature and pressure, in 30 minutes through cylinder 2: the colour in cylinder 2 is not more yellow than that in cylinder 1, and not more pink than that in cylinder 3,
- (vii) *Reducing substances*,—pass a volume of nitrous oxide, equivalent to 2 litres measured at normal temperature and pressure, in 30 minutes through 100 ml. of *water* containing 0.2 ml. of *N/10 potassium permanganate*: the colour is not completely discharged, and
- (viii) *Oxidizing substances*,—pass a volume of nitrous oxide, equivalent to 2 litres measured at normal temperature and pressure, in 30 minutes through a freshly prepared solution of 0.5 gm. of *soluble starch* and 0.5 gm. of *potassium iodide* in 100 ml. of *water*: no colour is developed.

**C.06.401.** Nitrous oxide shall be stored under compression in metal cylinders.

**OUABAIN**

Ouabainum

$C_{29}H_{44}O_{12}$ ,  $8H_2O$

Mol. Wt. 728.7

**C.06.410. Ouabain** (Ouabain.) shall be a glycoside obtained from the seeds of *Strophanthus gratus* (Wall. et Hook.) Baillon, and shall correspond in potency to International Standard Ouabain, and

(a) its characters are

- (i) *Description*,—ouabain occurs as white, odourless crystals or as a crystalline powder that is stable in air, but is affected by light,
- (ii) *Solubility*,—ouabain is
  - (1) slowly soluble in approximately 75 parts of *water*,
  - (2) more soluble in hot *water*, and
  - (3) slowly soluble in approximately 100 parts of *alcohol* (95 per cent), and
  - (4) more soluble in hot *alcohol* (95 per cent), and,

**Food and Drugs Act**—*continued*(iii) *Constants*,—

- (1) *Melting point*,—the *melting point* of ouabain, previously dried at 130°C, is between 186°C and 189°C, and
- (2) *Specific rotation*,—the *specific rotation*,  $\alpha_D^{25}$ , of ouabain is between  $-31^\circ$  and  $-32.5^\circ$  and is determined using a solution containing 1 gm. of anhydrous ouabain in 100 ml. of *water*,

## (b) the tests for its identity are

- (i) dissolve about 2 mg. of ouabain in 2 ml. of *sulphuric acid*: a colour develops which is dark red by transmitted light and shows a greenish fluorescence by reflected light, and
- (ii) dissolve about 0.1 gm. of ouabain in 5 ml. of *dilute sulphuric acid* with the aid of heat and boil the solution for 1 or 2 minutes: the solution becomes brownish and turbid; cool, filter, and add to the filtrate 5 ml. of *solution of sodium hydroxide* and an equal volume of *water*; then add 3 ml. of *solution of potassium-cupric tartrate* and boil: a red precipitate of cuprous oxide is formed, and

## (c) the tests for its purity are

- (i) *Reaction*,—aqueous solutions of ouabain are neutral to *litmus paper*,
- (ii) *Alkaloids*,—a 1 per cent aqueous solution of ouabain yields no precipitate with *solution of tannic acid* or with *solution of iodine*,
- (iii) *Loss on drying*,—when dried at 130°C, ouabain loses not less than 18 per cent and not more than 22 per cent by weight, and
- (iv) *Ash*,—when incinerated, ouabain leaves not more than 0.05 per cent of ash.

**C.06.411.** Ouabain shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed container protected from light.

**C.06.412.** No person shall sell any ouabain unless both the inner and the outer labels of every package thereof carry the lot number legibly and conspicuously.

**OXOPHENARSINE HYDROCHLORIDE**

Oxophenarsinae Hydrochloridum

$C_6H_6AsNO_2$ , HCl

Mol. Wt. 235.5

**C.06.420. Oxophenarsine Hydrochloride** (Oxophenarsin. Hydrochlor.) shall be 3-amino-4-hydroxyphenylarsenoxide hydrochloride and, when dried in a vacuum desiccator over *phosphorus pentoxide* for 24 hours, shall contain not less than 30 per cent and not more than 32 per cent of total arsenic, trivalent arsenic equivalent to not less than 97 per cent of the total arsenic, and a chlorine content determined as chloride of not less than 14.8 per cent and not more than 16 per cent, when determined by the methods employed by the Food and Drug Laboratories, and



**Food and Drugs Act—continued**

- (a) its characters are,
  - (i) *Description*,—oxophenarsine hydrochloride occurs as a white or nearly white, odourless powder, and
  - (ii) *Solubility*,—oxophenarsine hydrochloride is soluble in
    - (1) *water*,
    - (2) aqueous solutions of alkali hydroxides and carbonates, and
    - (3) dilute mineral acids,
- (b) the tests for its identity are
  - (i) to approximately 50 mg. of oxophenarsine hydrochloride dissolved in 3 ml. of *water* add 0.25 gm. of sodium hydrosulphite: a salmon-coloured precipitate is formed which rapidly changes to yellow,
  - (ii) to 10 mg. of oxophenarsine hydrochloride dissolved in 1 ml. of *water* add 1 ml. of *hydrochloric acid* and 1 drop of *hypophosphorous acid*: a nearly white to yellow precipitate is formed, and
  - (iii) to 5 ml. of *acetone* contained in a test tube add approximately 50 mg. of oxophenarsine hydrochloride, insert a loose plug of cotton and boil gently: the escaping vapours do not turn blue *litmus paper* red (difference from dichlorophenarsine hydrochloride), and
- (c) the tests for its purity are
  - (i) *Loss on drying*,—when dried in a vacuum desiccator over fresh *phosphorus pentoxide* for 24 hours, oxophenarsine hydrochloride loses not more than 1.0 per cent by weight; and mixtures containing oxophenarsine hydrochloride similarly tested lose not more than 0.5 per cent by weight,
  - (ii) *Solubility*,—oxophenarsine hydrochloride, both before and after being subjected to the thermostability test, is completely soluble in *water* as a 1 per cent solution, when tested by the method employed by the Food and Drug Laboratories,
  - (iii) *Thermostability*,—when tested for thermostability by the method employed by the Food and Drug Laboratories no marked change in colour, consistency, or solubility is found, and
  - (iv) *Toxicity*,—the toxicity shall be equivalent to that of the Canadian Reference Standard Oxophenarsine Hydrochloride as determined by the method employed in the Food and Drug Laboratories.

**C.06.421.** Oxophenarsine hydrochloride shall be stored in a cool place, preferably not above 20°C, in hermetically sealed containers of colourless glass, which have been sterilized prior to filling, and from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

**C.06.422.** Mixtures of oxophenarsine hydrochloride with buffering agents and substances for rendering its solution physiologically compatible with human blood shall contain total arsenic equivalent to not less than 92.5 per cent and not more than 107.5 per cent of the labelled amount of oxophenarsine hydrochloride, and such mixtures shall also meet the specifications for oxophenarsine hydrochloride with respect to tests for identity and solubility, and should be stored as directed in C.06.421.

**Food and Drugs Act—continued**

- C.06.423.** Every manufacturer of oxophenarsine hydrochloride shall submit to the Chief Dominion Analyst a sample of each lot of oxophenarsine hydrochloride manufactured, which sample shall consist of
- (a) not less than 10 sealed containers of the product as completed for issue, taken by random sampling from the whole lot, and, in no case, shall consist of less than 0.6 gm. of the product, and
  - (b) 2 containers of 1 gm. each of pure oxophenarsine hydrochloride, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of
  - (c) arsenic content, total and trivalent,
  - (d) moisture, and
  - (e) toxicity.
- C.06.424.** Every manufacturer of oxophenarsine hydrochloride shall submit, whenever requested to do so by the Chief Dominion Analyst, clinical evidence of the safety of any lot of oxophenarsine hydrochloride manufactured by him.
- C.06.425.** No manufacturer shall sell any oxophenarsine hydrochloride from a lot that has not been released by the Chief Dominion Analyst.
- C.06.426.** A manufacturer of oxophenarsine hydrochloride shall keep standing records in form satisfactory to the Minister, of each lot of oxophenarsine hydrochloride respecting its
- (a) manufacture,
  - (b) testing,
  - (c) disposition, and
  - (d) distribution,
- and in each case the date thereof.
- C.06.427.** A manufacturer of oxophenarsine hydrochloride shall withdraw from sale and shall recall any lot of oxophenarsine hydrochloride which in the opinion of the Chief Dominion Analyst is deficient in any respect.
- C.06.428.** No person shall sell any oxophenarsine hydrochloride unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,
- (a) the quantity in grams of oxophenarsine hydrochloride per ampoule,
  - (b) the lot number,
  - (c) the expiration date, that shall be not later than  $2\frac{1}{2}$  years after the date of release by the Chief Dominion Analyst,
  - (d) the names of any admixed substances, except on the inner label of single-dose containers, and
  - (e) where applicable, a statement that the container is a multiple-dose container.

**Food and Drugs Act— continued**

**PHOSPHORIC ACID**

Acidum Phosphoricum

$\text{H}_3\text{PO}_4$

Mol. Wt. 98.00

**C.06.430. Phosphoric Acid** (Acid. Phosph.) shall contain not less than 85 per cent and not more than 88 per cent w/w of phosphoric acid, and

(a) its characters are

(i) *Description*,—phosphoric acid is a colourless, odourless liquid of syrupy consistence, and is miscible with water, and, when heated, loses water and is converted finally into metaphosphoric acid, forming a transparent solid on cooling,

(b) tests for its identity are

(i) *Reaction*,—phosphoric acid is strongly acid, even when diluted freely, and

(ii) it yields, when neutralized, the *reactions* characteristic of phosphates, and

(c) the tests for its purity are

(i) *Specific gravity*,—the *specific gravity* is between 1.70 and 1.73,

(ii) *Alkali phosphates*,—transfer 1 ml. of phosphoric acid to a graduated cylinder, and add 6 ml. of *ether* and 2 ml. of *alcohol* (95 per cent): no turbidity appears,

(iii) *Phosphorous and hypophosphorous acid*,—dilute 0.5 ml. of phosphoric acid with 10 ml. of *water*, and warm with 2 ml. of *solution of silver nitrate*: the mixture does not become brown,

(iv) *Chlorides*,—using 1 ml., phosphoric acid complies with the *limit test for chlorides*,

(v) *Sulphates*,—using 0.5 ml., phosphoric acid complies with the *limit test for sulphates*,

(vi) *Iron*,—using 0.1 ml., phosphoric acid complies with the *limit test for iron*,

(vii) *Arsenic*,—the *arsenic limit* in phosphoric acid is 5 parts per million, and

(viii) *Lead*,—the *lead limit* in phosphoric acid is 10 parts per million.

**C.06.431.** Phosphoric acid shall be assayed by the method employed by the Food and Drug Laboratories.

**PITUITARY EXTRACT (POSTERIOR LOBE)**

Extractum Pituitarii Posterioris

**C.06.440. Pituitary Extract (Posterior Lobe)** (Ext. Pituit. Post.) shall be the aqueous extract prepared from the separated posterior lobe of the pituitary bodies of oxen or other mammals, and

(a) its characters are

(i) *Description*,—pituitary extract (posterior lobe) is a clear, colourless liquid with a faint odour, and shall have a pH between 3 and 4, and



**Food and Drugs Act—continued**

- (b) the tests for its identity are
- (i) pituitary extract (posterior lobe) causes contraction of the uterine muscle of the guinea-pig suspended in a suitable bath,
  - (ii) pituitary extract (posterior lobe) causes a rise of the blood pressure when injected into the vein of a mammal anaesthetized by a general anaesthetic or by destruction of the brain,
  - (iii) when injected under the skin of a mammal, at the same time as a volume of water is administered by mouth, pituitary extract (posterior lobe) causes a delay in the excretion of the water, and
  - (iv) when mixed with an equal volume of 2*N* sodium hydroxide and allowed to stand for 1 hour at room temperature, and then neutralized, the actions on the blood pressure and excretion of water disappear, and the activity on the uterine muscle of the guinea-pig is reduced to not more than 5 per cent of that originally present.

**C.06.441.** Pituitary extract (posterior lobe) shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in single-dose hermetically sealed containers that should be maintained at as low a temperature as possible above its freezing point, and the glass ampoules, or glass vials shall meet the tests for *limit of alkalinity of glass*.

**C.06.442.** No person shall sell pituitary extract (posterior lobe) unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the potency in International Units per millilitre, except in the case of single-dose containers of one millilitre or less, where the potency shall be expressed in International Units per dose,
- (b) the lot number, and
- (c) except on the inner label of single-dose containers, the expiration date, that shall be not later than 18 months after the date of assay.

**PONCEAU 3R****Rubrum Cumidinum****C.06.450. Ponceau 3R, Cumidine Red** (Rubr. Cumid.) shall be the disodium salt of 1-pseudocumylazo-2-naphthol-3,6-disulphonic acid, and shall not contain

- (a) intermediates or subsidiary dyes in amounts greater than is consistent with good manufacturing practice,
- (b) a less content of pure dye than is consistent with good manufacturing practice,
- (c) arsenic, calculated as arsenic trioxide, in excess of 2 parts per million,
- (d) lead, calculated as lead, in excess of 10 parts per million, and
- (e) other heavy metals, determined by precipitation as sulphides, in excess of 100 parts per million.

**Food and Drugs Act**—*continued*

**POWDERED DIGITALIS**

*Digitalis Pulverata*

**C.06.460. Powdered Digitalis** (*Digit. Pulverat.*) shall be digitalis dried at a temperature not exceeding 60°C and reduced to a fine powder, of which all will pass through a 177-micron sieve and not more than 40 per cent through a 125-micron sieve (Canadian Standard Specification, 8-GP-1), and for therapeutic administration, shall be assayed and adjusted to contain 10 International Units in 1 gm., for which purpose, powdered digitalis, containing more than 10 International Units in 1 gm., may be adjusted to contain 10 International Units in 1 gm., by thorough mixture with powdered digitalis containing less than 10 International Units in 1 gm., or with the exhausted marc remaining when tincture of digitalis has been prepared, the marc being carefully dried before mixing, and the test for its purity is

*Loss on drying*,—when dried at 100°C, powdered digitalis loses not more than 5 per cent by weight.

**C.06.461.** Powdered digitalis shall be

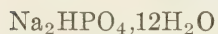
- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored to prevent access of moisture in a well-closed container that includes where necessary a device containing a non-liquefying, inert, dehydrating substance to control the humidity.

**C.06.462.** No person shall sell any powdered digitalis unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the potency in terms of International Units per gram, or per tablet or other individual dosage or dispensing form,
- (b) a statement of the number of grains of powdered digitalis per tablet or other individual dosage or dispensing form, and
- (c) the lot number.

**SODIUM PHOSPHATE**

*Sodii Phosphas*

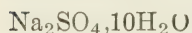


Mol. Wt. 358.2

**C.06.470. Sodium Phosphate** (*Sod. Phosph.*) shall be the Sodium Phosphate of the British Pharmacopoeia except that it may contain not more than the equivalent of 120 per cent of  $\text{Na}_2\text{HPO}_4, 12\text{H}_2\text{O}$ .

**SODIUM SULPHATE**

*Sodii Sulphas*



Mol. Wt. 322.2

**C.06.480. Sodium Sulphate, Glauber's Salt** (*Sod. Sulph.*) shall be the Sodium Sulphate of the British Pharmacopoeia except that it may contain not more than the equivalent of 110 per cent of  $\text{Na}_2\text{SO}_4, 10\text{H}_2\text{O}$ .

**Food and Drugs Act—continued****SPIRIT OF NITROUS ETHER**

Spiritus Aetheris Nitrosi

**C.06.485. Spirit of Nitrous Ether, Sweet Spirit of Nitre** (Sp. Aether. Nitros.) shall be the Spirit of Nitrous Ether of the British Pharmacopoeia except that it may contain a small crystal of potassium bicarbonate.

**STRONG SOLUTION OF IODINE**

Liquor Iodi Fortis

**C.06.490. Strong Solution of Iodine, Strong Tincture of Iodine** (Liq. Iod. Fort.) shall be a solution of iodine containing

- (a) not less than 9 per cent and not more than 11 per cent of iodine,
- (b) not less than 5.4 per cent and not more than 6.6 per cent of potassium iodide, and
- (c) not less than 76 per cent and not more than 79 per cent v/v of alcohol ( $C_2H_5OH$ ).

**C.06.491.** Strong solution of iodine shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed, glass-stoppered bottle.

**STROPHANTHIN**

Strophanthinum

**C.06.500. Strophanthin** (Strophanthin.) shall be a glycoside or a mixture of glycosides obtained from the seeds of *Strophanthus Kombé* Oliver, and shall have in each milligram a potency corresponding to 0.5 mg. of International Standard Ouabain, and

- (a) its characters are
  - (i) *Description*,—strophanthin occurs as a white or yellowish powder containing varying proportions of water which is not lost entirely without decomposition, and is stable in air, and
  - (ii) *Solubility*,—strophanthin is
    - (1) soluble in water and in alcohol (60 per cent),
    - (2) less soluble in dehydrated alcohol, and
    - (3) almost insoluble in chloroform, ether, and benzene, and
  - (iii) *Optical rotation*,—an aqueous solution of strophanthin is dextro-rotatory,
- (b) the tests for its identity are
  - (i) when moistened with sulphuric acid, strophanthin assumes an emerald-green colour, turning to brown,
  - (ii) to 5 ml. of a 2 per cent w/v aqueous solution of strophanthin add 1 drop of test-solution of ferric chloride and 2 or 3 ml. of sulphuric acid: a red precipitate is formed which turns green on standing for 1 or 2 hours,
  - (iii) dissolve 0.1 gm. of strophanthin in 15 ml. of water and add 5 ml. of hot solution of potassio-cupric tartrate: no precipitate is produced, and



**Food and Drugs Act—continued**

- (iv) heat about 0.1 gm. of strophanthin with 5 ml. of *dilute hydrochloric acid* to about 70°C: a precipitate of strophanthidin is formed; cool, filter, and add to the filtrate 5 ml. of a mixture of *solution of sodium hydroxide* and an equal volume of *water*; then add 3 ml. of *solution of potassio-cupric tartrate* and boil: a red precipitate of cuprous oxide is formed, and
- (c) the tests for its purity are
  - (i) *Reaction*,—an aqueous solution of strophanthin is neutral to *litmus paper*, and
  - (ii) *Ash*,—on incineration strophanthin leaves not more than 0.05 per cent of ash.

**C.06.501.** Strophanthin shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed container protected from light.

**C.06.502.** No person shall sell any strophanthin unless both the inner and the outer labels of every package thereof carry the lot number legibly and conspicuously.

**STROPHANTHUS**

**Strophanthus**

**C.06.510. Strophanthus** (*Strophanth.*) shall be the dried, ripe seed of *Strophanthus Kombé* Oliver or of *Strophanthus hispidus* De Candolle, freed from the awns, and its potency per gram shall correspond to not less than 42 mg. of International Standard Ouabain, and

(a) its characters are

(i) *Macroscopic*,—

- (1) *S. Kombé*: the seeds of *S. Kombé* are oblong-lanceolate, flattened and obtusely-edged, varying from 8 to 25 millimetres in length, from 2.5 to 5 millimetres in width, and from 0.5 to 2 millimetres in thickness; the raphe edge extends from near the centre of one side to the apex; the seeds are mostly pale yellow, with a greenish tinge, some being brown to light olive, and are covered with longitudinal rows of closely appressed hairs directed to the apex; the kernel is grayish-white and oily, the cotyledons straight and the endosperm narrow, and
- (2) *S. hispidus*: the seeds of *S. hispidus* are similar in character, except that the colour is light-brown to dark-brown, the size somewhat smaller, and the hairs fewer and shorter,

(ii) *Microscopic*,—the epidermis of the testa is composed of elongated, polygonal cells, with straight, thickened and lignified side walls, many being extended to form hairs with a longitudinal lignified rib, and with band-shaped thickening at the base; the endosperm consists of 9 to 30 rows of parenchymatous cells; in the testa may be found scattered

**Food and Drugs Act—continued**

cluster crystals and an occasional single crystal of calcium oxalate; and in the endosperm and cotyledons, fixed oil, aleurone grains and starch grains from 4 to 8 microns in diameter, and

- (iii) strophanthus has a characteristic odour and a very bitter taste,
- (b) the test for its identity is
  - (i) moisten a cut seed or a portion of powder with *sulphuric acid*: an olive-green to yellowish green colour is produced, and
- (c) the test for its purity is
  - (i) *Ash*,—when incinerated, strophanthus leaves not more than 5 per cent of ash.

**C.06.511.** Strophanthus shall be assayed by the method employed by the Food and Drug Laboratories.

**SULPHARSPHENAMINE**

Sulpharsphenamina

$C_{14}H_{14}As_2N_2O_8S_2Na_2$

Mol. Wt. 598.2

**C.06.520. Sulpharsphenamine** (Sulpharsphen.) shall be the di-sodium salt of 3,3'-diamino-4,4'-dihydroxyarsenobenzene-N-methylene sulphurous acid and shall contain not less than 18 per cent and not more than 21 per cent of arsenic as determined by the method employed by the Food and Drug Laboratories, and

- (a) its characters are
  - (i) *Description*,—sulpharsphenamine occurs as a yellow powder that is odourless or has a very slight odour resembling sulphur dioxide and that in a dry state or in solution is slowly oxidized by exposure to air, becoming dark and more toxic, and a solution of which in *water* is acid to *litmus paper* (difference from neoarsphenamine), and
  - (ii) *Solubility*,—sulpharsphenamine is
    - (1) very soluble in *water*, yielding a yellow solution,
    - (2) slightly soluble in *alcohol* (95 per cent), and
    - (3) insoluble in *ether*,
- (b) the tests for its identity are
  - (i) to 20 ml. of a solution of sulpharsphenamine (1:100) in recently boiled *water* add 0.5 ml. of *dilute hydrochloric acid* and mix: no precipitate is formed (difference from neoarsphenamine),
  - (ii) to 10 ml. of a solution of sulpharsphenamine (1:100) in recently boiled *water* add *solution of sodium hydroxide* drop by drop: no precipitate is produced (difference from arsphenamine),
  - (iii) to 10 ml. of a solution of sulpharsphenamine (1:100) in recently boiled *water* add 10 ml. of *dilute hydrochloric acid* and heat: the odour of sulphur dioxide is perceptible,
  - (iv) to 5 ml. of a solution of sulpharsphenamine (1:1,000) in recently boiled *water* add 4 drops of freshly prepared *test-solution of ferric chloride*: a dark red colour is produced, and

**Food and Drugs Act—continued**

- (v) to the solution resulting from the assay for arsenic add *hydrogen sulphide*: a yellow precipitate is formed, which is soluble in *solution of ammonium carbonate*, and
- (c) the tests for its purity are
  - (i) *Loss on drying*,—when dried for 24 hours in a vacuum desiccator over fresh *phosphorus pentoxide*, sulpharsphenamine loses not more than 2·5 per cent by weight,
  - (ii) *Solubility*,—add progressively 0·6 gm. of sulpharsphenamine to 6 ml. of *water* in a test tube or small cylinder and gently rotate the mixture: complete solution results in not more than 5 minutes,
  - (iii) *Thermostability*,—when tested for thermostability by the method employed by the Food and Drug Laboratories, no marked change in colour, consistency, or solubility is found, and
  - (iv) *Toxicity*,—the toxicity shall not be greater than that of the International Reference Standard Sulpharsphenamine as determined by the method employed by the Food and Drug Laboratories.

**C.06.521.** Sulpharsphenamine shall be stored in a cool place, preferably not above 20°C, in sealed containers of colourless glass, that have been sterilized prior to filling and from which the air has been excluded either by the production of a vacuum or by displacement with a non-oxidizing gas.

**C.06.522.** Every manufacturer of sulpharsphenamine shall submit to the Chief Dominion Analyst a sample of each lot of sulpharsphenamine manufactured, which sample shall consist of not less than 5 sealed containers of the product as completed for issue, taken by random sampling from the whole lot, and, in no case, shall consist of less than 7·2 gm. of the product, and each sample shall be accompanied by protocols of its tests, which protocols shall include a report of

- (a) arsenic content,
- (b) moisture, and
- (c) toxicity.

**C.06.523.** Every manufacturer of sulpharsphenamine shall submit, whenever requested to do so by the Chief Dominion Analyst, clinical evidence of the safety of any lot of sulpharsphenamine manufactured by him.

**C.06.524.** No manufacturer shall sell any sulpharsphenamine from a lot that has not been released by the Chief Dominion Analyst.

**C.06.525.** A manufacturer of sulpharsphenamine shall keep standing records in form satisfactory to the Minister, of each lot of sulpharsphenamine respecting its

- (a) manufacture,
- (b) testing,
- (c) disposition, and
- (d) distribution,

and in each case the date thereof.



**Food and Drugs Act—continued**

**C.06.526.** A manufacturer of sulpharsphenamine shall withdraw from sale and shall recall any lot of sulpharsphenamine which in the opinion of the Chief Dominion Analyst is deficient in any respect.

**C.06.527.** No person shall sell any sulpharsphenamine unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

- (a) the quantity in grams of sulpharsphenamine per ampoule,
- (b) the lot number,
- (c) the expiration date, which shall be not more than 5 years after the date of release by the Chief Dominion Analyst, and
- (d) where applicable, a statement that the container is a multiple-dose container.

**SULPHATHIAZOLE SODIUM**

Sulphathiazolum Sodium

$C_9H_8N_3O_2S_2Na$ ,  $1\frac{1}{2} H_2O$

Mol. Wt. 304.3

**C.06.530. Sulphathiazole Sodium, Soluble Sulphathiazole, Sulfathiazole Sodium** (Sulphathiazol. Sod.) shall contain not less than 99 per cent and not more than the equivalent of 101 per cent of the sodium salt of 2-sulphanilamido-thiazole, calculated with reference to the substance dried under reduced pressure at  $100^{\circ}C$ , and

(a) its characters are

(i) *Description*,—sulphathiazole sodium occurs as a powder that is

- (1) white, or faintly yellowish-white,
- (2) odourless,
- (3) crystalline,
- (4) affected by light, and
- (5) saline and bitter in taste, and

(ii) *Solubility*,—sulphathiazole sodium is

- (1) very soluble in *water*,
- (2) soluble in *alcohol* (95 per cent), and
- (3) insoluble in *ether*,

(b) the tests for its identity are

- (i) an aqueous solution of sulphathiazole sodium is alkaline to *solution of phenolphthalein*,
- (ii) an aqueous solution of sulphathiazole sodium yields the *reactions* characteristic of sodium,
- (iii) dissolve 1 gm. of sulphathiazole sodium in 10 ml. of *water* and add slowly 1 ml. of *dilute hydrochloric acid*; collect the precipitate and recrystallize from boiling *water*: the crystals have a *melting point* between  $200^{\circ}C$  and  $204^{\circ}C$ , and meet the following tests,
  - (1) heat about 50 mg. in a dry tube until it is melted: a brown to red colour is produced and on further heating the odours of aniline, ammonia, and hydrogen sulphide are recognizable (difference from sulphanilamide and sulphapyridine), and

**Food and Drugs Act—continued**

- (2) dissolve 20 mg. in 2 ml. of warm *dilute hydrochloric acid*; cool in ice and add 2 ml. of a 1 per cent solution of *sodium nitrite* in *water*, and 1 ml. of *solution of β-naphthol*: an orange-red precipitate is produced which darkens on standing, and
- (c) the tests for its purity are
  - (i) dissolve 1 gm. of sulphathiazole sodium in 10 ml. of *water*: the solution is clear and colourless,
  - (ii) *Chlorides and sulphates*,—1 gm. of sulphathiazole sodium complies with the *limit test for chlorides* and with the *limit test for sulphates*,
  - (iii) *Arsenic*,—the *arsenic limit* in sulphathiazole sodium is 2 parts per million,
  - (iv) *Lead*,—the *lead limit* in sulphathiazole sodium is 10 parts per million, and
  - (v) *Loss on drying*,—when dried under reduced pressure at 100°C, sulphathiazole sodium loses not more than 9 per cent by weight.

**C.06.531.** Sulphathiazole sodium shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed container protected from light.

**TARTRAZINE**

Tartrazina

**C.06.540. Tartrazine** (Tartrazin.) shall be the trisodium salt of 3-carboxy-5-hydroxy-1-*p*-sulphophenyl-4-*p*-sulphophenyl-azopyrazole, and shall not contain

- (a) intermediates or subsidiary dyes in amounts greater than is consistent with good manufacturing practice,
- (b) a less content of pure dye than is consistent with good manufacturing practice,
- (c) arsenic, calculated as arsenic trioxide, in excess of 2 parts per million,
- (d) lead, calculated as lead, in excess of 10 parts per million, and
- (e) other heavy metals, determined by precipitation as sulphides, in excess of 100 parts per million.

**TETRACAINE HYDROCHLORIDE**

Tetracaina Hydrochloridum

$C_{15}H_{24}N_2O_2$ , HCl

Mol. Wt. 300.8

**C.06.550 Tetracaine Hydrochloride** (Tetracain. Hydroch.) shall be the hydrochloride of the base prepared by the interaction of chloroethyl-dimethylamine with sodium *p*-butylamino-benzoate, and shall contain not less than 86.5 per cent and not more than 88.5 per cent of tetracaine base, calculated with reference to the substance dried over sulphuric acid for 18 hours, and

- (a) its characters are
  - (i) *Description*,—tetracaine hydrochloride occurs as a powder that is
    - (1) fine,

**Food and Drugs Act—continued**

- (2) white,
  - (3) crystalline,
  - (4) odourless,
  - (5) somewhat bitter in taste, imparting a sense of numbness to the tongue,
- (ii) *Solubility*,—tetracaine hydrochloride is soluble in
  - (1) 7 parts of *water*,
  - (2) *alcohol* (95 per cent),
 but is insoluble in *ether*, and
- (iii) *Melting point*,—the *melting point* of tetracaine hydrochloride is between 147°C and 150°C,
- (b) the tests for its identity are
  - (i) to 0·1 gm. of tetracaine hydrochloride dissolved in 10 ml. of *water*, add 1 ml. of a 25 per cent w/v *solution of potassium thiocyanate* in *water*; collect the precipitate; crystallize from hot *water* and dry at 80°C: the *melting point* of the crystals is between 130°C and 132°C,
  - (ii) dissolve 0·1 gm. of tetracaine hydrochloride in 10 ml. of *water*, add 3 drops of *dilute hydrochloric acid* and 2 ml. of a 1 per cent solution of *sodium nitrite*, and pour the mixture into 1 ml. of *solution of β-naphthol*: a white to pale salmon-pink precipitate is produced, but no pronounced colour is developed, and
  - (iii) an aqueous solution yields the *reactions* characteristic of chlorides, and
- (c) the tests for its purity are
  - (i) *Loss on drying*,—when dried over *sulphuric acid* for 18 hours, tetracaine hydrochloride loses not more than 1 per cent by weight, and
  - (ii) *Ash*,—when incinerated, tetracaine hydrochloride leaves not more than 0·1 per cent of ash.

**C.06.551. Tetracaine hydrochloride shall be**

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed container protected from light.

**TINCTURE OF DIGITALIS****Tinctura Digitalis**

**C.06.560. Tincture of Digitalis** (Tinct. Digit.) shall have a potency of one International Unit per millilitre and shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared from

- (a) Digitalis, in No. 40 powder.....100 gm.
  - (b) Alcohol (70 per cent) ..... a sufficient quantity,
- by the Percolation Process of the British Pharmacopoeia and collecting 900 ml. that after assay is adjusted with a sufficient quantity of alcohol (70 per cent) to produce a tincture of digitalis of a potency of one International Unit per millilitre.



**Food and Drugs Act—continued**

**C.06.561.** Tincture of digitalis shall be assayed by the method employed by the Food and Drug Laboratories.

**C.06.562.** The *alcohol content* of tincture of digitalis shall be between 65 per cent and 70 per cent v/v of alcohol ( $C_2H_5OH$ ).

**C.06.563.** No person shall sell any tincture of digitalis unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

(a) the potency in International Units per millilitre,

(b) the lot number, and

(c) the expiration date, which shall be not later than two years after the date of assay.

**TINCTURE OF STROPHANTHUS**

**Tinctura Strophanthi**

**C.06.570. Tincture of Strophanthus** (Tinct. Strophanth.) shall be of such potency that the specific activity of 1 ml. corresponds to that of 4.2 mg. of International Standard Ouabain, and shall be prepared in accordance with a direct ratio to a 1 litre lot thereof that shall be prepared from

(a) Strophanthus, in No. 40 powder dried at 45°C.....100 gm.

(b) Alcohol (70 per cent).....a sufficient quantity,

by packing the powder in a percolator, moistening with *light petroleum* (boiling-point, 50° to 60°), and macerating for twenty-four hours, then allowing percolation to proceed, continuing the addition of *light petroleum* (boiling-point 50° to 60°), until the liquid passes through colourless, rejecting the percolate, removing the marc from the percolator, and drying it by exposure to air, finishing the drying, if necessary, in a current of air at a temperature not exceeding 40°C, again reducing it to powder, repacking in the percolator, and moistening with alcohol (70 per cent), and after macerating for forty-eight hours, pouring on successive quantities of alcohol (70 per cent), with slow percolation until 500 ml. of the percolate are obtained, and after having assayed a portion of the percolate, adding sufficient alcohol (70 per cent) to produce a tincture of strophanthus of the required degree of activity.

**C.06.571.** Tincture of strophanthus shall be assayed by the method employed by the Food and Drug Laboratories.

**C.06.572.** The *alcohol content* of tincture of strophanthus shall be between 67 per cent and 70 per cent v/v of alcohol ( $C_2H_5OH$ ).

**C.06.573.** No person shall sell any tincture of strophanthus unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously,

(a) the statement, "each ml. corresponds in potency to 4.2 mg. of International Standard Ouabain",

(b) the lot number, and

(c) the expiration date that shall be not later than two years after the date of assay.

**Food and Drugs Act**—*continued*

## WEAK SOLUTION OF IODINE

Liquor Iodi Mitis

**C.06.580. Weak Solution of Iodine, Tincture of Iodine** (Liq. Iod. Mit.) shall be a solution of iodine containing

- (a) not less than 2·25 per cent and not more than 2·75 per cent w/v of free iodine,
- (b) not less than 2·25 per cent and not more than 2·75 per cent w/v of potassium iodide, and
- (c) not less than 80 per cent and not more than 85 per cent v/v of alcohol ( $C_2H_5OH$ ).

**C.06.581.** Weak solution of iodine shall be

- (a) assayed by the method employed by the Food and Drug Laboratories, and
- (b) stored in a well-closed bottle.

## ZINC SULPHATE

Zinci Sulphas

 $ZnSO_4 \cdot 7H_2O$ 

Mol. Wt. 287·6

**C.06.590. Zinc Sulphate** (Zinc Sulph.) shall be the Zinc Sulphate of the British Pharmacopoeia except that it may contain not more than the equivalent of 108 per cent of  $ZnSO_4 \cdot 7H_2O$ .

## ANNEX TO DIVISION 6

*Reagents or Solutions Employed in Tests***Aniline Blue** is the water-soluble dye that consists of a mixture of the trisulphonates of triphenyl-*p*-rosaniline and diphenyl-*p*-rosaniline.**Cholesterol** is cholesterol of pharmacopoeial grade.**Solution of Cholesterol** is a 0·5 per cent w/v solution of cholesterol in alcohol (95 per cent).**Delafield's Solution of Haematoxylin** is made by dissolving 4 gm. of haematoxylin in 25 ml. of alcohol (95 per cent), mixing with 400 ml. of a saturated solution of ammonium alum in water, and setting aside for 4 days in a flask closed with a plug of cotton wool, exposed to light and air; this solution is then mixed with 200 ml. of a mixture of equal volumes of glycerin and methyl alcohol, allowed to stand for 6 weeks in a warm place exposed to light until the colour darkens, and is kept in a tightly-stoppered bottle.**Mallory's Stain** is made by dissolving 0·5 gm. of aniline blue, 2 gm. of orange G, and 2 gm. of oxalic acid in 100 ml. of water.**Orange G** is the disodium salt of 1-phenylazo-2-naphthol-6,8-disulphonic acid.

**Food and Drugs Act**—*continued*

**Phosphotungstic Acid** is phosphotungstic acid of reagent purity.

**Solution of Phosphotungstic Acid** is a 1 per cent w/v solution of phosphotungstic acid in *water*.

**Sodium Formate** is sodium formate of reagent purity.

**Solution of Sodium Hypochlorite** is a freshly prepared solution made by dissolving 10.5 gm. of *sodium carbonate* in 25 ml. of *water*, mixing with the liquid obtained by thoroughly triturating 7 gm. of *chlorinated lime* with 75 ml. of *water*, shaking frequently during 3 or 4 hours, and filtering.

**Part D**

VITAMINS

DIVISION 1

*General*

**D.01.001.** In this **Part**

(a) *vitamin* includes but is not limited to the following:

- (i) **Vitamin A**,
- (ii) **Provitamin A**,
- (iii) **Thiamine, Vitamin B<sub>1</sub>**,
- (iv) **Riboflavin**,
- (v) **Niacin**,
- (vi) **Niacinamide**,
- (vii) **Pyridoxine, Vitamin B<sub>6</sub>**,
- (viii) **d-Pantothenic Acid**, salts of d-Pantothenic Acid; **d-Panthenol, d-Pantothenyl Alcohol**,
- (ix) **Folic Acid**,
- (x) **Biotin**,
- (xi) **Vitamin B<sub>12</sub>**,
- (xii) **Vitamin B Complex**,
- (xiii) **Ascorbic Acid, Vitamin C**,
- (xiv) **Vitamin D**,
- (xv) **Vitamin E**, and
- (xvi) **Vitamin K**,

(b) *vitamin product* means a food or drug for which mention of or claim for its vitamin content is made on the label or in an advertisement, and

(c) *dietary supplement* means a vitamin product intended to be used for the prevention of conditions arising from vitamin deficiencies.

**D.01.002.** No person shall refer to, reproduce, or quote,

(a) on any label, or

(b) in any advertisement to the general public,

any testimonial regarding the action of any vitamin in any vitamin product in specific cases.



**Food and Drugs Act—continued**

**D.01.003.** No person shall give assurances to the general public regarding results to be obtained from treatment by vitamin medication or from the addition of vitamins to the diet, on any label or in any advertisement.

**D.01.004.** Subject to these regulations, this PART does not apply to

- (a) a vitamin product sold solely for veterinary use, or
- (b) a vitamin used solely for other than its physiological action.

**D.01.005.** Except where the quantity of the contents marked on the package of a vitamin product is stated in terms of minimum weight, measure, or number, there shall be permitted from the stated quantity variations

- (a) due exclusively to weighing, measuring, or counting, that occur in packaging conducted in compliance with good commercial practice and that shall be as often as much above as below the marked quantity,
- (b) due exclusively to differences in the capacity of containers, resulting solely from unavoidable difficulties in manufacturing, and no greater variation shall be permitted because of the design of the containers than is permitted in the case of containers of similar capacity that can be manufactured so as to be of approximately uniform capacity, and
- (c) in weight or measure that unavoidably result from the ordinary and customary exposure of the package to evaporation or to the absorption of water under normal atmospheric conditions.

**D.01.006.** Where a vitamin product is put up in individual dosage or dispensing form, other than in ampoules prepared ready for injection, the amount of each vitamin per individual dosage or dispensing form shall be not less than 95 per cent of the amount declared on the label and shall be as often as much above as below the marked quantity.

**D.01.007.** No person shall sell a vitamin product put up in ampoules for parenteral use unless each ampoule thereof contains an excess volume not less than that prescribed in the following table

Declared Volume of Content	Excess for Mobile Solutions	Excess for Viscous Solutions
0.5 cc. ....	0.10 cc.	0.12 cc.
1.0 cc. ....	0.10 cc.	0.15 cc.
2.0 cc. ....	0.15 cc.	0.25 cc.
5.0 cc. ....	0.30 cc.	0.50 cc.
10.0 cc. ....	0.50 cc.	0.70 cc.
20.0 cc. ....	0.60 cc.	0.90 cc.
50.0 cc. ....	1.00 cc.	1.50 cc.
100.0 cc. ....	2.00 cc.	3.00 cc.

**Food and Drugs Act—continued**

**DIVISION 2**

*Limits of Vitamin Content, Claims*

**D.02.001.** A vitamin product that is a food to which no vitamin has been added shall be deemed to be an excellent dietary source of any named vitamin where it contributes in a reasonable daily intake, as ordinarily consumed or prepared as directed on the label, not less than

- (a) 1,200 International Units of vitamin A,
- (b) 0.36 milligram of thiamine,
- (c) 0.5 milligram of riboflavin,
- (d) 6 milligrams of niacin,
- (e) 15 milligrams of ascorbic acid,
- (f) 320 International Units of vitamin D, or
- (g) an amount of vitamin B complex that will supply the following amounts of any three of the factors named
  - (i) 0.3 milligram of thiamine,
  - (ii) 0.3 milligram of riboflavin,
  - (iii) 1.5 milligrams of niacin,
  - (iv) 0.25 milligram of pyridoxine, or
  - (v) 0.5 milligram of d-pantothenic acid.

**D.02.002.** A vitamin product that is a food to which no vitamin has been added shall be deemed to be an excellent dietary source of any named vitamin where it contributes in a reasonable daily intake, as ordinarily consumed or prepared as directed on the label, not less than

- (a) 600 International Units of vitamin A,
- (b) 0.18 milligram of thiamine,
- (c) 0.25 milligram of riboflavin,
- (d) 3 milligrams of niacin,
- (e) 7.5 milligrams of ascorbic acid, or
- (f) an amount of vitamin B complex that will supply the following amounts of any three of the factors named
  - (i) 0.15 milligram of thiamine,
  - (ii) 0.15 milligram of riboflavin,
  - (iii) 0.8 milligram of niacin,
  - (iv) 0.15 milligram of pyridoxine, or
  - (v) 0.25 milligram of d-pantothenic acid.

**D.02.003.** No person shall add to a food a vitamin in an amount that will contribute in a reasonable daily intake more than

- (a) 5,000 International Units of vitamin A,
- (b) 2 milligrams of thiamine,
- (c) 2 milligrams of riboflavin,
- (d) 20 milligrams of niacin or niacinamide,
- (e) 75 milligrams of ascorbic acid, or
- (f) 800 International Units of vitamin D.

**Food and Drugs Act**—*continued*

**D.02.004.** No person shall sell as containing a vitamin any vitamin product, except those defined in D.02.001 and D.02.002, unless such vitamin product contributes an amount of the vitamin, in the smallest recommended daily intake, where dosage is given, or otherwise in a reasonable daily intake, not less than

- (a) 2,000 International Units of vitamin A or provitamin A,
- (b) 0.6 milligram of thiamine,
- (c) 0.8 milligram of riboflavin,
- (d) 6 milligrams of niacin or niacinamide,
- (e) 1 milligram of pyridoxine,
- (f) 5 milligrams of d-pantothenic acid or d-panthenol,
- (g) 2 milligrams of folic acid,
- (h) 25 milligrams of ascorbic acid,
- (i) 400 International Units of vitamin D,
- (j) 10 International Units of vitamin E, or
- (k) an amount of vitamin B complex that will supply any three of the following factors in the amounts stated
  - (i) 0.4 milligram of riboflavin,
  - (ii) 2 milligrams of niacin,
  - (iii) 0.3 milligram of pyridoxine, or
  - (iv) 0.6 milligram of d-pantothenic acid.

**D.02.005.** Subject to the provisions of D.03.003 and D.03.019, no person shall sell a drug or dietary supplement that furnishes in the largest recommended daily intake more than

- (a) 10,000 International Units of vitamin A or provitamin A,
- (b) 3 milligrams of thiamine,
- (c) 6 milligrams of riboflavin,
- (d) 30 milligrams of niacin or niacinamide,
- (e) any amount of vitamin B<sub>12</sub>,
- (f) 100 milligrams of ascorbic acid,
- (g) 2,000 International Units of vitamin D,
- (h) 50 International Units of vitamin E, or
- (i) any amount of vitamin K,

unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "NOTE: For Therapeutic Use Only", and such vitamin product shall not be advertised to the general public.

**D.02.006.** Notwithstanding the provisions of D.02.005, the statement "NOTE: For Therapeutic Use Only" shall not be required on the inner label of vitamin products put up in ampoules for parenteral use.

**D.02.007.** No person shall make any general claims based upon the vitamin content of a vitamin product other than within the following limitations, namely that vitamins

- (a) are necessary for the normal functioning of the body,
- (b) aid in growth,
- (c) may help to maintain appetite, and
- (d) may help to maintain normal resistance of the body to infection.



**Food and Drugs Act—continued**

**D.02.008.** No person shall make any specific claims based upon the vitamin content of a vitamin product other than within the following limitations, namely

- (a) for vitamin A or provitamin A: that this vitamin is an essential for the maintenance of a healthy condition of the epithelium; that it is specific in the prevention and treatment of nutritional night blindness, or nyctalopia, of dietary origin; that it prevents, or relieves if not too far advanced, xerophthalmia due to vitamin A deficiency,
- (b) for thiamine: that this vitamin prevents or alleviates beriberi; that it protects against and aids in the treatment of neuritis due to thiamine deficiency; that the need of the organism for thiamine is increased when metabolism is greatly augmented as it may be in pregnancy, fever, hyperthyroidism, and infectious diseases,
- (c) for riboflavin: that this vitamin is specific in the prevention and treatment of ariboflavinosis of dietary origin,
- (d) for niacin or niacinamide: that this vitamin is of value in the prevention and treatment of pellagra,
- (e) for vitamin B complex: that the combined action of the factors of the vitamin B complex aids in the utilization of foodstuffs, and its use is to be preferred to that of mixtures of the same amounts of the known factors of the complex,
- (f) for ascorbic acid: that this vitamin is specific in the prevention and treatment of scurvy; that it is a factor in the normal development and maintenance of the bones and cartilages, the teeth and gums; that the need of the organism for ascorbic acid is increased in fever, and
- (g) for vitamin D: that this vitamin is an essential in the prevention of rickets and in the normal development of bones and teeth; that the requirement for vitamin D is greatest in infancy and childhood, and during pregnancy and lactation.

**DIVISION 3**

*Labelling, Advertising*

**D.03.001.** No person shall sell a food or a drug containing a vitamin that has been added solely for other than its physiological action, unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the proper chemical or common name of the added vitamin together with a statement of the purpose for which it is added, and no person shall use the word *vitamin* in connection with such food or drug in respect to the added vitamin, or make any claim for its physiological action.

**D.03.002.** No person shall sell a vitamin product intended solely for veterinary use unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "For Veterinary Use Only".

**D.03.003.** No person shall sell a vitamin product containing a vitamin other than those named in paragraph (a) of D.01.001 unless both the inner and the outer labels of every package thereof carry, legibly and

**Food and Drugs Act—continued**

conspicuously, the statement “For Experimental Use Only”, and this statement shall be deemed to fulfil the requirements prescribed by D.02.005.

**D.03.004.** No person shall mention, on the label of or in an advertisement for a vitamin product, a vitamin by a name other than its proper name unless such other name is no larger and no more conspicuous than the proper name of such vitamin.

**D.03.005.** Subject to these regulations no person shall sell a vitamin product that is a food unless the label of every package thereof carries, legibly and conspicuously,

- (a) on the main panel of both the inner and the outer labels
  - (i) the common name of the food,
  - (ii) a declaration by name of Class II, Class III, and Class IV preservative,
  - (iii) a declaration of any added colour, and
  - (iv) a declaration of added artificial, imitation, or fortified flavouring preparation, and
- (b) on both the inner and the outer labels
  - (i) the name and address of the manufacturer, or of a person who is not the manufacturer, provided such person assumes the responsibilities of the manufacturer and indicates in conjunction with his name and address that he is not the manufacturer, and
  - (ii) in a food consisting of more than one ingredient, and for which a standard of quality is not prescribed and for which the permissible limits of variability are not fixed, a complete list of ingredients by their common names and in descending order of their respective proportions, and
- (c) on the outer label a statement of the net contents as required by paragraph (f) of section seven of the Act, and, when the net contents are expressed by number, an accompanying statement of the net weight of the unit making up the number, except in the case of a food that is graded as to size and such grade size is stated.

**D.03.006.** Subject to the limitations of D.02.001 and D.02.002, no person shall sell a vitamin product that is a food to which no vitamin has been added if the label bears any statement regarding the vitamin content of the food other than that it is “an excellent dietary source”, or “a good dietary source”, as the case may be, of any vitamin named.

**D.03.007.** No person shall make any claim, on any label or in any advertisement, for the action of the vitamin content of foods that are labelled “an excellent dietary source” of the vitamin named, as prescribed by D.02.001, other than the general claims prescribed by D.02.007.

**D.03.008.** Notwithstanding the provisions of D.03.007, if the vitamin content of a food is not less than the minimal amounts prescribed by D.02.004, specific claims may be made as prescribed in D.02.008.

**D.03.009.** No person shall make any claim, on any label or in any advertisement, for the action of the vitamin content of foods that are labelled “a good dietary source” of the vitamin named as prescribed by D.02.002.

**Food and Drugs Act—continued**

**D.03.010.** No person shall mention pyridoxine, d-pantothenic acid, folic acid, biotin, vitamin B<sub>12</sub>, vitamin E, or vitamin K on a label or in an advertisement used in connection with any food.

**D.03.011.** No person shall sell a vitamin product that is a food to which has been added a vitamin and that is not intended for use as a dietary supplement unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the amount of the vitamin present expressed in

- (a) International Units per 100 grams or per 100 millilitres for vitamin A, provitamin A, vitamin D, and
- (b) milligrams per 100 grams or per 100 millilitres for thiamine, riboflavin, niacin, niacinamide, and ascorbic acid.

**D.03.012.** Notwithstanding the provisions of D.03.011, no person shall sell a vitamin product that is a food to which has been added a vitamin, and that is packaged in unit containers containing less than 100 grams or 100 millilitres unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the amount of the vitamin present expressed in

- (a) International Units per package for vitamin A, provitamin A, vitamin D, and
- (b) milligrams per package for thiamine, riboflavin, niacin, niacinamide, and ascorbic acid.

**D.03.013.** Notwithstanding the provisions of D.03.006 and D.03.011 a vitamin product that is a food used solely for the feeding of children under two years of age may be labelled to show its vitamin content in terms of the specified units per ounce.

**D.03.014.** Subject to these regulations no person shall sell a vitamin product that is a drug unless the label of every package thereof carries, legibly and conspicuously,

- (a) on the main panel of both the inner and the outer labels
  - (i) the proper name; except that where the authority for the proper name is not these regulations or the British Pharmacopoeia such authority shall be named and, where there is a proprietary or brand name, such proper name shall immediately follow or precede the said proprietary or brand name in type of not less than one half the size thereof, or
  - (ii) if there is no proper name, the common name,
- (b) on both the inner and the outer labels
  - (i) the name of the manufacturer or distributor,
  - (ii) the address of the manufacturer or distributor, except upon the inner label where the immediate container contains 2 millilitres or less,
  - (iii) the lot number of a drug manufactured for parenteral use, and
  - (iv) a complete list of the medicinal ingredients contained in the drug, the proper or the common name of each being used, except upon
    - (1) shipping cases or wrapping material,
    - (2) official drugs,
    - (3) drugs sold on prescription, or
    - (4) medicine registered under the Proprietary or Patent Medicine Act, and



**Food and Drugs Act—continued**

- (c) on the outer label
  - (i) a statement of the net contents as required by paragraph (f) of section seven of the Act, and
  - (ii) the name and proportion of any preservative present in a drug manufactured for parenteral use.

**D.03.015.** No person shall sell a vitamin product that is a drug or a dietary supplement unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the amount of the vitamin present expressed

- (a) in International Units per gram or per millilitre for vitamin A, provitamin A, vitamin D, vitamin E, and
- (b) in milligrams per gram in the case of solids or viscous liquids, or per millilitre in the case of other liquids, for thiamine, riboflavin, niacin, niacinamide, pyridoxine, d-pantothenic acid, folic acid, biotin, vitamin B<sub>12</sub>, ascorbic acid, vitamin K and substances having vitamin K activity, or
- (c) in terms of the specified units per individual dosage or dispensing form, for products put up in individual dosage or dispensing form.

**D.03.016.** The inner and the outer labels of packages containing the vitamin products referred to in D.03.011, D.03.012, and D.03.015, may carry an additional statement of the vitamin content expressed in any other measure, but such additional statement shall not be more prominent than the respective statements prescribed by D.03.011, D.03.012, or D.03.015.

**D.03.017.** No person shall sell a vitamin product that is a drug or dietary supplement represented as containing provitamin A unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement to show the nature of the provitamin A, that is, alpha-carotene, beta-carotene, gamma-carotene, or cryptoxanthine, and mixtures of vitamin A and provitamin A shall show the proportions of each.

**D.03.018.** No person shall sell a vitamin product that is a drug or dietary supplement represented as containing vitamin B complex unless

- (a) the vitamin B complex be obtained from natural sources, and
- (b) both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the source of the vitamin B complex and the amount thereof present per gram, per millilitre, or per individual dosage form as the case may be in the following manner "Vitamin B Complex as derived from (naming the number) grams of (naming the source)".

**D.03.019.** No person shall sell a vitamin product that is a drug or dietary supplement represented as containing folic acid unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "CAUTION: For Therapeutic Use Only", which statement shall be deemed to fulfil the requirements prescribed by D.02.005, and such drug or dietary supplement shall not be advertised to the general public.

**D.03.020.** No person shall sell a vitamin product that is a drug or dietary supplement represented as containing vitamin E unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the source and form of the active material.

**Food and Drugs Act—continued**

**D.03.021.** No person shall sell a vitamin product that is a drug or dietary supplement represented as containing vitamin K activity unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, a statement of the name and amount of the active material, and its equivalent in terms of the activity of menadione (2-methyl-1,4-naphthoquinone).

**D.03.022.** Subject to these regulations, no person shall sell a vitamin product that is a drug or dietary supplement represented as containing pyridoxine, d-pantothenic acid, biotin, or vitamin E unless both the inner and the outer labels of every package thereof carry, legibly and conspicuously, the statement "The significance of these vitamins (or naming the vitamins) in human nutrition is not yet established".

**D.03.023.** The provisions of D.03.022 do not apply to

- (a) vitamin E in a drug or dietary supplement in which the amount of vitamin E in the minimum recommended daily dose is more than 50 International Units, or
- (b) the inner label of vitamin products put up in ampoules for parenteral use.

**D.03.024.** No person shall make any claim

- (a) on a label, or
- (b) in an advertisement to the general public,

for the action of pyridoxine, d-pantothenic acid, folic acid, biotin, vitamin B<sub>12</sub>, vitamin E, or vitamin K.

**Appendix I**

**DOMINION ANALYSTS**

R. H. Allen	L. Greenberg
M. G. Allmark	H. R. L. Hart
C. W. J. Armstrong	W. H. Hill
J. F. Blanchard	A. Hollett
W. M. Bridges	P. E. Jean
E. T. Bynoe	L. E. Johnson
J. A. Campbell	J. B. Jones
R. A. Chapman	G. L. Kalbfleisch
R. L. J. Clapin	A. E. Larnier
F. C. Collier	F. P. Nagler
E. W. Corek	L. I. Pugsley
Viateur Couture	B. Rousseau
W. A. Crandall	R. Tardif
A. L. Davidson	J. L. Thomson
F. R. E. Davies	C. S. Tinsley
R. Delisle	H. O. Tomlinson
H. I. Edwards	J. P. Tremblay
C. G. Farmilo	H. A. Watson
J. W. Fisher	R. D. Whitmore
J. Gibbard	E. F. Whyte
J. Gordy	H. E. Woodward

## Food and Drugs Act—continued

## Appendix II

## LIMITS OF DRUG DOSAGE

Item	External Use — Maximum Limit	Internal Use — Maximum Dosage	
		Unless otherwise stated liquids are in minims and solids in grains	
	Per cent	Single	Daily
Acetanilide and derivatives.....		1	3
Acetylsalicylic Acid.....		15	45
Aconite and its preparations, on the basis of Reference Aconitine, N.F.....	0.2	1/660	1/660
Aconitine, its preparations and derivatives...		1/660	1/660
Adonis vernalis.....		1	3
Amylocaine Hydrochloride.....	0.5	1/4	3/4
Antimony, compounds of.....		1/24	1/6
Apiol.....		2	6
Arsenious Oxide.....		1/100	1/33
Atropine and its salts.....	1.0	1/500	1/150
Belladonna and its preparations, on the basis of belladonna alkaloids.....	0.375	1/500	1/150
Benzamine and its salts {Fatty base..... Aqueous base.....	2.0		
	0.5		
Benzene (Benzol).....		Amounts to be declared	
Benzocaine.....	8.0	1½	3
Beta-Naphthol.....		3	9
Bromides, calculated as Sodium Bromide (not more often than every 3 hours).....		10	20
Butyl-Chloral Hydrate.....		5	10
Butyn.....	1.0		
Cantharides, Cantharidin, and their prepara- tions, on the basis of cantharidin.....	0.03	1/13,500	1/4,500
Cantharides, blisters only.....	0.2		
Cedar Oil.....	25.0	None	None
Chloralamide.....		10	10
Chloral Hydrate.....		2½	7½
Chlorbutol (not more often than every 4 hours).....		5	15
Colchicine and its salts.....		1/120	1/40
Colchicum and its preparations, on the basis of colchicine.....		1/240	1/80
Cotton Root Bark and its preparations, on the basis of the crude drug.....		15	45
Croton Oil.....	10.0	1/10	1/5
Cupric Arsenite.....		1/100	1/25
Digitalin, Amorphous.....		1/600 (0.1 mg.)	1/600 (0.1 mg.)
Digitoxin.....		1/1,200 (0.05 mg.)	1/1,200 (0.05 mg.)
Digitalis and its preparations, on the basis of International Units.....		0.5 I.U.	0.5 I.U.
Ephedrine and its salts.....		1/6	1/2
Ephedrine and its salts {in oily sprays..... in aqueous sprays.....	0.5 1.0		
Ergot and its preparations, on the basis of B.P. liquid extract.....		10	30
Gelseminine (Gelsemine) and its salts (not to be repeated within 4 hours).....		1/120	1/40
Gelsemium and its preparations, on the basis of the crude drug.....		1/4	3/4
Hellebore, Black (Christmas Rose).....		1	4
Hellebore, Green and its preparations, on the basis of the crude drug.....		1/2	1½
Hydrocyanic (Prussic) Acid as 2 per cent solution.....		1	5
Hyoscine (Scopolamine) and its salts.....	0.5	1/200	3/200
Hyoscyamine and its salts.....		1/500	1/250
Hyoscyamus and its preparations, on the basis of hyoscyamus alkaloids.....		1/900	1/300



Food and Drugs Act—continued

LIMITS OF DRUG DOSAGE—Con.

Item	External Use — Maximum Limit	Internal Use — Maximum Dosage	
		Unless otherwise stated liquids are in minims and solids in grains	
	Per cent	Single	Daily
Iron Arsenate.....		1/30	1/10
Lobelia and its preparations, on the basis of the crude drug.....		2	6
Mercury and its compounds.....		Amounts to be declared	
Methylene Blue.....		2	6
Nupercaine.....	0.5		
Nux Vomica and its preparations, on the basis of strychnine.....		1/60	1/20
Pennyroyal Herb.....		20	60
Pennyroyal Oil.....		1/4	3/4
Phenacetin.....		7½	15
Phenazone and compounds thereof.....		5	15
Phenol.....	2.0	1/2	4
Phosphorus.....		1/300	1/100
Potassium Chlorate.....		3	9
Potassium Chlorate, gargle.....	2.5		
Procaine and its salts.....		Amounts to be declared	
Quinine Arsenate.....		1/15	1/5
S. Ignatius' Bean.....		1/2	1½
Santonin.....		2	2
Savin.....		2	6
Savin Oil.....		1/4	1
Sodium Arsenate Anhydrous.....		1/50	3/50
Sodium Cacodylate.....		1/4	3/4
Sodium Chlorate.....		3	9
Sodium Methylarsenate.....		1/2	1½
Stramonium and its preparations, on the basis of stramonium alkaloids.....		1/400	1/100
Strophanthus and its preparations, on the basis of ouabain.....		1/250	1/80
Strychnine and its salts.....		1/60	1/20
Squill and its preparations, on the basis of the crude drug.....		1/2	1½
Sulphonal and its derivatives.....		5	5
Tansy, drug.....		20	80
Tansy, oil.....		1/4	1

It shall be permissible:—

- (a) to increase the dosage of drugs intended to be burned and the smoke inhaled to ten times the oral dose,
- (b) to increase the dosage of drugs exhibited as suppositories to 33½ per cent in excess of the oral dose.

Where drugs having similar physiological actions occur in combination, the dosage of each shall be proportionately reduced.

**Food and Drugs Act—continued****Appendix III**

## PROPER NAMES OF DRUGS

<i>Proper Names</i>	<i>Chemical Names and Synonyms</i>
Acetanilide: Acetanilid .....	Acetylaminobenzene : Antifebrin : Phenylacetamide
Acetylsalicylic Acid .....	Acetylsalicylic acid: Aspirin
Aminoacetic Acid: Glycocol .....	Aminoacetic acid: Glycine
Aminopyrine .....	1,5-dimethyl-2-phenyl-4-dimethylamino- 3-pyrazolone: Dimethylaminophena- zone
Amphetamine .....	$\beta$ -aminopropylbenzene
Barbitone: Barbitol .....	5,5-diethylbarbituric acid: Diethylmal- onylurea
Caffeine .....	1,3,7-trimethyl-2,6-dioxypurine
Carbromal .....	$\alpha$ -bromo- $\alpha$ -ethylbutyrylcarbamide
Cinchophen .....	2-phenylquinoline - 4 - carboxylic acid: Quinophan
Diphenhydramine Hydrochloride .....	$\beta$ -dimethylaminoethyl-benzohydryl ether hydrochloride
Hexobarbitone: Hexobarbital ....	1,5-dimethyl-5 $\Delta$ <sup>1</sup> -cyclohexenyl barbi- turic acid
Mersalyl .....	Sodium [o (hydroxymercurimethoxypro- pylcarbonyl) phenoxy] acetate
Methadone .....	6-dimethylamino-4, 4-diphenyl-3-hepta- none
Phenacetin .....	p-acetphenetidin: Acetphenetidin: Acetophenetidin: p-ethoxyacetanilid
Phenobarbitone: Phenobarbital ..	5-phenyl-5-ethylbarbituric acid: Phenylethylmalonylurea
Pholedrine .....	p-(4-hydroxyphenyl) - isopropylmethyl- amine
Procaine Hydrochloride .....	p-aminobenzoyldiethylaminoethanol hy- drochloride: Ethocaine hydrochloride: Procaine
Soluble Barbitone:	
Barbitone Sodium:	
Soluble Barbital:	
Barbital Sodium .....	Sodium 5,5-diethylbarbiturate: Sodium diethylmalonylurea
Soluble Phenobarbitone:	
Phenobarbitone Sodium:	
Phenobarbital Sodium:	
Soluble Phenobarbital .....	Sodium 5-phenyl-5-ethylbarbiturate: Sodium phenylethylmalonylurea
Soluble Thiopentone .....	Sodium 5-ethyl-5-(1-methylbutyl) thio- barbiturate
Thiopentone .....	5-ethyl-5-(1-methylbutyl) thiobarbituric acid
Tripelennamine Hydrochloride ...	N,N-dimethyl-N'-benzyl-N'-( $\alpha$ -pyridyl) ethylenediamine hydrochloride.

**Food and Drugs Act—concluded**

**Appendix IV**

**PRESCRIPTION DRUGS**

Aminopyrine and any salt, homologue, or derivative thereof  
 Amphetamin and any salt thereof  
 Aureomycin  
 Barbituric acid and any salt, homologue, or derivative thereof  
 Cinchophen and Neocinchophen  
*d*-desoxyephedrine and any salt thereof  
 Methedrine and any salt thereof  
 Ortho-dinitrophenol and any compound, homologue, or derivative thereof  
 Penicillin, its salts or derivatives, or preparations thereof, excluding preparations for oral use that contain not more than 3,000 International Units per dose  
 Pervitin and any salt thereof  
 Phenytoin Sodium  
 Streptomycin and any compound thereof  
 Thiouracil and any homologue, or derivative thereof  
 Tetraethylthiuram disulphide  
 Thiouracil and any homologue, or derivative thereof  
 Thyroid  
 Thyroxin and any salt thereof  
 Urethane

**FOREIGN ENLISTMENT ACT, 1937. (1937, c. 32)**

No statutory orders or regulations have been made under this statute.

**FOREIGN EXCHANGE CONTROL ACT. (1946, c. 53)**

*See also* BANK OF CANADA ACT; BRETTON WOODS AGREEMENTS ACT, 1945.

1. *Regulations respecting forfeitures.*
2. *Rates of exchange for Canadian currency.*
3. *The Foreign Exchange Control Regulations.*

**1. Regulations to govern currency, securities, etc. forfeited under the Act**

P.C. 2227

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 3rd day of June, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS by section 64 of The Foreign Exchange Control Act, chapter 53 of the Statutes of 1946, it is provided that all fines, penalties and forfeitures recovered under this Act shall belong to His Majesty for the public uses of Canada and all property so forfeited shall be disposed of in such manner as the Governor in Council may prescribe;



**Foreign Exchange Control Act—continued**

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, is pleased to order and doth hereby order as follows:

1. Any currency forfeited to His Majesty under The Foreign Exchange Control Act shall,

- (a) if Canadian currency, be paid into the Consolidated Revenue Fund; and
- (b) if foreign currency, be sold to an authorized dealer and the proceeds in Canadian dollars paid into the Consolidated Revenue Fund.

2. Any negotiable instrument so forfeited under the said Act shall,

- (a) if payable in Canadian currency, be assigned or transferred to the Receiver General of Canada and the currency received thereunder shall be paid into the Consolidated Revenue Fund; and
- (b) if payable in foreign currency, be assigned or transferred to an authorized dealer for the purpose of selling the currency received thereunder to the authorized dealer and the proceeds in Canadian dollars shall be paid into the Consolidated Revenue Fund.

3. Any securities so forfeited under the said Act shall,

- (a) if the securities are listed on a stock exchange in Canada, be sold through the facilities of the stock exchange; and
- (b) if the securities are not listed on a stock exchange, be sold in such manner as the Minister may direct.

4. (1) Subject to sections one, two and three of this Order and except as provided in subsection two of this section, property so forfeited under the said Act shall be sold by inviting tenders by public advertisement or by public auction after a reasonable public notice, at such places and at such times as the Minister of Finance may direct.

(2) Where the Minister is of the opinion that it is not practicable or not in the public interest that property be sold as provided in subsection one of this section or that it be sold, the Minister may direct the manner in which it shall be sold or otherwise disposed of.

5. The Minister is authorized to execute on behalf of His Majesty an assignment, transfer or other document necessary to transfer title to any negotiable instrument, securities or other property vested in His Majesty pursuant to the forfeiture thereof and disposed of pursuant to this Order.

6. All moneys realized from the disposal of securities or other property pursuant to sections three or four of this Order, shall be paid into the Consolidated Revenue Fund.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**Foreign Exchange Control Act—continued**

**2. Rates of exchange between Canadian Currency and the  
Currency of the United States and the Currency of the  
United Kingdom**

P.C. 4838

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 19th day of September, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Order in Council P.C. 1910 of 29th April, 1948, as amended, made pursuant to the provisions of The Foreign Exchange Control Act, prescribes rates of exchange between Canadian currency and currency of the United States, between Canadian currency and currency of the United Kingdom and between currency of the United States and of the United Kingdom;

AND WHEREAS it is necessary and desirable that the rates of exchange prescribed by Order in Council P.C. 1910 of 29th April, 1948, as amended, be varied, and that the said Order in Council be otherwise amended.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, is pleased to order as follows:

1. Order in Council P.C. 1910 of 29th April, 1948, as amended, is hereby revoked; and

2. The following Order is hereby made and established, effective the 20th day of September, 1949, in substitution for the Order hereby revoked;

**ORDER**

1. For the purposes of this Order

- (a) where a person in consideration of a payment of or an agreement to pay Canadian currency by him, procures the drawing, issuing, making, acceptance, endorsement, assignment or transfer of a negotiable instrument payable in foreign currency, either to or in favour of himself or any other person, or otherwise procures the making of any payment in foreign currency, either to himself or to any other person, he is deemed to have bought the foreign currency so payable or paid from the person to whom he paid or agreed to pay the Canadian currency;
- (b) where a person in consideration of a payment of or an agreement to pay Canadian currency to him, draws, issues, makes, accepts, endorses, assigns or transfers a negotiable instrument payable in foreign currency, either to or in favour of the person so paying or agreeing to pay, or any other person or otherwise makes or causes to be made any payment in a foreign currency, either to the said person or to any other person, he is deemed to have sold the foreign currency so payable or paid to the person who paid or agreed to pay the Canadian currency;

**Foreign Exchange Control Act—continued**

- (c) “authorized dealer” means an authorized dealer appointed by or under The Foreign Exchange Control Act;
- (d) “Board” means The Foreign Exchange Control Board established by The Foreign Exchange Control Act;
- (e) “forward contract” means a contract under which a person agrees with an authorized dealer either to buy or sell foreign currency, and to take delivery of or deliver the foreign currency, as the case may be, at some specified date after the contract has been entered into;
- (f) “Minister” means the Minister of Finance;
- (g) “spot” means bank notes and silver and nickel coin of the United States and all rights to payment of currency of the United States or of the United Kingdom under a negotiable instrument payable either on demand or otherwise immediately payable, or by reason of a deposit;
- (h) “sterling” means currency of the United Kingdom, other than banknotes and coin;
- (i) “swap transaction” means a transaction in which a person either applies to an authorized dealer to buy foreign currency and, at the same time, offers to enter into a forward contract to sell the same amount of the same foreign currency or applies to an authorized dealer to sell foreign currency and at the same time offers to enter into a forward contract to buy the same amount of the same foreign currency;
- (j) “Regulations” means The Foreign Exchange Control Regulations made and established by Order in Council P.C. 1909 of April 29, 1948, as amended; and
- (k) “United States dollars” means currency of the United States.

2. Subject to sections four, five, six and seven, the rates of exchange shown in the first schedule shall be the rates of exchange between Canadian currency and United States dollars for the classes of transactions specified therein.

3. Subject to sections four, five, six and seven, the rates of exchange shown in the second schedule shall be the rates of exchange between Canadian currency and sterling for the classes of transactions specified therein.

4. Where, in a transaction for the Exchange Fund Account, the Minister, in the same transaction, purchases or acquires or causes to be purchased or acquired, United States dollars and sells sterling or purchases or acquires, or causes to be purchased or acquired, sterling and sells United States dollars the rate of exchange may, if the Minister so directs, be  $\$2.80\frac{3}{4}$  per pound in terms of United States dollars, in the case of a sale of sterling and  $\$2.79\frac{1}{4}$  per pound in the same terms in the case of a purchase of sterling.

5. Where, in a transaction for the Exchange Fund Account with the International Monetary Fund, the International Bank for Reconstruction and Development, a government of a country or a central bank, stabilization fund or similar fiscal agency of a government, the Minister purchases, acquires or sells or causes to be purchased, acquired or sold, United States dollars or sterling the rate of exchange may be such rate as the Minister directs between the spot buying and selling rates inclusive for United States dollars and sterling, respectively, specified in the first and second schedules.



Foreign Exchange Control Act—continued

6. Where the holder of a BD permit granted under section seventy-five of the Regulations for the operation of a foreign currency bank account satisfies the Board that it is necessary and desirable in the conduct of his business to retain on deposit in the account certain amounts in foreign currency, the Board may, in authorizing the permit holder to retain such amounts in foreign currency on deposit in the account, require that the permit holder enter into a forward contract to sell such foreign currency to an authorized dealer and the rate of exchange applicable to such a transaction may be the spot buying rates for United States dollars and sterling respectively, specified in the first and second schedules.

7. (1) Where an application for a forward contract was submitted in the appropriate form prescribed in the Regulations to an authorized dealer or to the Board by delivering the application to the authorized dealer or the Board prior to the close of business on the 17th day of September, 1949, the rate of exchange applicable to such forward contract, if approved by the Board, may be the rate which would have been applicable thereto if this Order had not been made.

(2) Where at the time of the close of business on the 17th day of September, 1949, the holder of a BD permit granted under section seventy-five of the Regulations for the operation of a United States dollar bank account had on deposit in such account an amount in excess of that authorized by the terms and conditions of his BD permit, the permit holder shall, if so required by the Board, sell the excess amount to an authorized dealer at the rate which would have been applicable to such sale if this order had not been made.

N. A. ROBERTSON,

*Clerk of the Privy Council*

FIRST SCHEDULE

UNITED STATES DOLLARS

	<i>Buying</i>	<i>Selling</i>
Spot.....	\$1.10 per U.S. \$	\$1.10½ per U.S. \$
Forward Contracts—		
For each 15-day period or part thereof.....	Deduct from spot rate 1/32 of a cent	Add to spot rate 1/32 of a cent
Extensions of forward contracts—		
For each 15-day period or part thereof.....	Deduct additional 1/32 of a cent	Add additional 1/32 of a cent
Swap Transactions—		
Where involving a spot purchase and a sale for forward delivery—		
Spot purchase.....	\$1.10 per U.S. \$	
Forward sale—		
For delivery up to 90 days.....		\$1.10½ per U.S. \$
For each additional 30-day period.....		Add 5/32 of a cent
(Where, however, contract is for delivery up to 15 days, rate may be \$1.10¼ per U.S. \$)		
Where involving a spot sale and a purchase for forward delivery—		
Spot sale.....		\$1.10½ per U.S. \$
Forward purchase—		
For delivery up to 6 months.....	\$1.10 per U.S. \$	

**Foreign Exchange Control Act—continued**

## SECOND SCHEDULE

## STERLING

	<i>Buying</i>	<i>Selling</i>
Spot.....	\$3.07 $\frac{1}{4}$ per £	\$3.08 $\frac{1}{4}$ per £
Forward Contracts— For each 15-day period or part thereof.....	Deduct from spot rate $\frac{1}{8}$ of a cent	Add to spot rate $\frac{1}{8}$ of a cent
Extensions of forward contracts— For each 15-day period or part thereof.....	Deduct additional $\frac{1}{8}$ of a cent	Add additional $\frac{1}{8}$ of a cent
Swap Transactions— Where involving a spot purchase and a sale for forward delivery—		
Spot purchase.....	\$3.07 $\frac{1}{4}$ per £	
Forward sale— For delivery up to 90 days.....		\$3.08 $\frac{1}{4}$ per £
For each additional 30-day period..... (Where, however, contract is for delivery up to 15 days, rate may be \$3.08 per £)		Add $\frac{1}{8}$ of a cent
Where involving a spot sale and a purchase for forward delivery—		
Spot sale.....		\$3.08 $\frac{1}{4}$ per £
Forward purchase— For delivery up to 6 months.....	\$3.07 $\frac{1}{4}$ per £	

**3. The Foreign Exchange Control Regulations**

P.C. 5604

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the provisions of The Foreign Exchange Control Act, chapter 53 of the Statutes of Canada, 1946, is pleased to order as follows:

1. The Foreign Exchange Control Regulations established by Order in Council P.C. 1909 of 29th April, 1948, as amended, are hereby revoked, and

2. The annexed regulations entitled "The Foreign Exchange Control Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**Foreign Exchange Control Act—continued**

SHORT TITLE

1. These Regulations may be cited as The Foreign Exchange Control Regulations.

INTERPRETATION

2. (1) In these Regulations, and in any permit or instruction of the Board, unless the context otherwise requires,

- (a) "Act" means the Foreign Exchange Control Act;
- (b) "appointed security dealer" means an agent of the Board appointed under section six of these Regulations;
- (c) "bank in Canada" means a bank as defined in subsection six of section twenty-three of the Act;
- (d) "Canadian domestic securities" means any Canadian securities which are payable or the principal amount of which is expressed or any interest or dividends on which are payable or paid solely in Canadian currency;
- (e) "Canadian foreign securities" means any Canadian securities which are payable or the principal amount of which is expressed or any interest or dividends on which are payable or paid solely or at the option of the holder in foreign currency;
- (f) "convertible foreign currency" means a foreign currency (other than United States dollars, sterling or a sterling area currency) which can be freely exchanged for United States dollars;
- (g) "foreign securities" means securities issued by any government, municipal or other public authority of a country other than Canada or by any society, syndicate, company or corporation incorporated in a country other than Canada or if unincorporated, whose head office is in a country other than Canada;
- (h) "forward contract" means a contract under which a person agrees with an authorized dealer either to buy or sell foreign currency, and to take delivery of or deliver the foreign currency, as the case may be, at some specified date after the contract has been entered into;
- (i) "special agent" means a dealer and agent of the Board appointed under section five of these Regulations;
- (j) "special arrangement country" means any of the countries or territories listed in Schedule I to these Regulations;
- (k) "sterling" means currency of the United Kingdom;
- (l) "sterling area currency" means currency of a sterling area country (other than the United Kingdom) which can be freely exchanged for sterling;
- (m) "sterling area country" means any of the countries and territories listed in Schedule II to these Regulations;
- (n) "United States dollar area country" means any country or territory other than
  - (i) Canada;
  - (ii) a sterling area country; or
  - (iii) a special arrangement country;
- (o) "United States dollars" means currency of the United States;



**Foreign Exchange Control Act—continued**

- (p) a reference to a form by number or letter means the form designated by that number or letter in schedule VII.
- (2) For the purposes of these Regulations and any permit or instruction of the Board, where a person
  - (a) in consideration of a payment of or an agreement to pay Canadian currency by him, procures the drawing, issuing, making, acceptance, endorsement, assignment or transfer of a negotiable instrument payable in foreign currency, either to or in favour of himself or any other person, or otherwise procures the making of any payment in foreign currency, either to himself or to any other person, he is deemed to have bought the foreign currency so payable or paid from the person to whom he paid or agreed to pay the Canadian currency;
  - (b) in consideration of a payment of or an agreement to pay Canadian currency to him, draws, issues, makes, accepts, endorses, assigns or transfers a negotiable instrument payable in foreign currency, either to or in favour of the person so paying or agreeing to pay, or any other person or otherwise makes or causes to be made any payment in a foreign currency, either to the said person or to any other person, he is deemed to have sold the foreign currency so payable or paid to the person who paid or agreed to pay the Canadian currency; or
  - (c) draws, issues, makes, accepts, endorses, assigns or transfers or causes to be drawn, issued, made, accepted, endorsed, assigned or transferred any negotiable instrument payable in Canadian or foreign currency to or in favour of any other person, or deposits or causes to be deposited Canadian or foreign currency with or to the account of any other person, or transfers to any other person any debt owing in Canadian or foreign currency by reason of a deposit, he shall be deemed to have paid Canadian currency or foreign currency, respectively, to such other person.
- 3. For the purposes of the Act and these Regulations and any permit or instruction of the Board,
  - (a) a person who at any time between the fifteenth day of September, one thousand nine hundred and thirty-nine, and the first day of April, one thousand nine hundred and forty-nine, was ordinarily resident in Newfoundland is deemed to be a resident of Canada unless, according to a determination made by the Newfoundland Foreign Exchange Control Board, he ceased to be a resident of Newfoundland and did not subsequent to such determination become ordinarily resident in Newfoundland.
  - (b) an international or foreign labour union, trade or professional association, fraternal society or other similar body which maintains an account with a bank in Canada in which are deposited fees or dues paid by resident members of the union, association, society or body, is deemed to be a resident in respect of the operation of such account;
  - (c) a non-resident carrying on farming operations in Canada who maintains an account with a bank in Canada for the purpose of depositing revenue received from such operations and paying expenses in connection therewith is deemed to be a resident in respect of the operation of such account;

**Foreign Exchange Control Act—continued**

- (d) an officer, official or employee of the government of Canada whose duties require him to reside elsewhere than in Canada is deemed unless the Board otherwise determines, to be a resident, but, while he is so residing elsewhere than in Canada, is not required, pursuant to section twenty-two of the Act, to declare to an authorized dealer that he owns or possesses or is entitled to a right to payment of foreign currency which is paid to him by the government of Canada by way of salary or allowances, or to sell such foreign currency to an authorized dealer;
- (e) an officer, official or employee of an international organization or government of a country other than Canada, whose duties require him to reside in Canada and who is accorded diplomatic privileges by the government of Canada, is deemed to be a non-resident;
- (f) an executor or administrator of an estate arising on the death of, or a trustee of a lifetime or testamentary trust created by, a resident is, unless the Board otherwise determines, deemed to be a resident with respect to the property of the estate or trust; and
- (g) a company incorporated in Canada which is a non-resident-owned investment corporation within the meaning of the Income Tax Act is deemed, unless the Board otherwise determines, to be a non-resident, but no such company shall be entitled to buy any foreign currency from an authorized dealer, postmaster or special agent until it has established its status as such to the satisfaction of the Board and given such undertakings as may be required by the Board.

**AUTHORIZED DEALERS AND AGENTS**

4. The Montreal City and District Savings Bank is appointed an authorized dealer under the Act to deal in foreign currency and to act on behalf of the Board in granting permits in circumstances and under conditions prescribed in instructions of the Board.

5. The companies listed or referred to in schedule III are, in respect of their offices, branches and agencies in Canada, appointed authorized dealers to deal in foreign currency and agents of the Board to act on behalf of the Board in granting permits in circumstances and under conditions prescribed in instructions of the Board.

6. The persons, firms and companies listed or referred to in schedule IV are, in respect of their offices and branches in Canada, appointed agents of the Board to grant, in circumstances and under conditions prescribed in instructions of the Board, permits on behalf of the Board in connection with transactions in securities undertaken by such persons, firms and companies as principals or agents.

7. The trust and loan companies listed in schedule V are, in respect of their offices and branches in Canada, appointed agents of the Board to approve, in circumstances and under conditions prescribed in instructions of the Board, without the granting of a permit, payments in Canadian currency to non-residents by means of cheques issued by such companies and to act on behalf of the Board in granting permits for other transactions to which such companies are parties.

8. The life insurance companies listed in schedule VI are, in respect of their offices and branches in Canada, appointed agents of the Board to approve, in circumstances and under conditions prescribed in instructions

**Foreign Exchange Control Act—continued**

of the Board, without the granting of a permit, payments in Canadian currency to non-residents by cheques issued by such companies and to act on behalf of the Board in granting permits for other transactions to which such companies are parties.

9. The Comptroller of the Treasury of the Government of Canada is appointed an agent of the Board to approve, in circumstances and under conditions prescribed in instructions of the Board, without the granting of a permit, payments to non-residents by orders (cheques) drawn on the Receiver General of Canada.

**APPLICATIONS AND DECLARATIONS**

10. (1) Every declaration or application for a permit required under the Act shall be made in the manner and on the appropriate form prescribed by these Regulations.

(2) Where no appropriate form of declaration or application is prescribed the application or declaration may be made by letter to the Board.

(3) Unless the Board otherwise requires, a declaration or application may be signed on behalf of the declarant or applicant by a duly authorized agent or attorney.

(4) Where a person lodges a power of attorney with a Collector of Customs and Excise authorizing a Customs broker named therein to act as his agent or attorney in connection with matters which include the export or import of goods, the power of attorney shall be deemed to include authority to the Customs broker therein named to act as agent and attorney of the said person when making application for export and import permits under the Act or these Regulations and to give any declarations or undertakings required in connection therewith unless the said person gives written notice to the contrary to the Collector of Customs and Excise.

**GRANTING OF PERMITS**

11. (1) Where application for a permit has been made on an appropriate form prescribed by these Regulations the approval and signature of the application form on behalf of the Board shall be the granting of a permit for the purposes so approved, subject to the terms and conditions contained in the said form as so approved and prescribed by these Regulations or by or on behalf of the Board in respect thereof.

(2) Where application for a permit is made on an appropriate form prescribed by these Regulations or by letter, the permit may be granted by letter or other document signed on behalf of the Board and the permission thereby granted shall be subject to the conditions contained in such letter or document or prescribed by these Regulations in respect thereof.

(3) A permit may be revoked or conditions to the permission thereby granted may be added to or varied by letter or other document signed on behalf of the Board.

**CHANGE OF RESIDENTIAL STATUS**

12. Every resident individual desiring that the Board determine that he is a non-resident for the purpose of transactions to which the Act and these Regulations apply, shall apply to the Board through an authorized dealer on Form 107.



**Foreign Exchange Control Act—continued**

**FOREIGN CURRENCY TRANSACTIONS**

*Declaration and Sale of Foreign Currency to  
Authorized Dealer*

**13.** (1) Subject to subsection two and section twenty-one, every resident who has or acquires the ownership or possession of

- (a) banknotes or coin of the United States to an amount having a value exceeding ten dollars; or
- (b) other foreign banknotes or coin to an amount having a value exceeding one hundred dollars;

shall, notwithstanding paragraph (a) of subsection one of section twenty-two of the Act, declare to an authorized dealer that he owns or possesses such banknotes and coin and offer such banknotes and coin for sale to an authorized dealer pursuant to section twenty-two of the Act.

(2) Nothing in this section authorizes a resident to sell foreign banknotes or coin or make any use or disposition thereof otherwise than as permitted by the Act and these Regulations.

**14.** (1) Subject to subsection two, a person desiring or being required to sell to an authorized dealer United States banknotes or coin shall complete and submit to the authorized dealer a declaration on Form CT and a person desiring or being required to sell to an authorized dealer for immediate delivery United States dollars or sterling, in a form other than banknotes or coin, shall complete and submit to the authorized dealer a declaration on Form C.

(2) A declaration on Form C or Form CT is not required for the sale to an authorized dealer for immediate delivery of United States dollars or sterling

- (a) in an amount not exceeding one thousand dollars or three hundred and fifty pounds respectively, where the United States dollars or sterling were received or are being sold otherwise than
  - (i) for payment of goods exported or to be exported from Canada;
  - (ii) for payment of securities sold or to be sold by a resident to a non-resident; or
  - (iii) in connection with a borrowing by a resident from a non-resident; or
- (b) in an amount not exceeding one hundred dollars or thirty-five pounds respectively, where the United States dollars or sterling were received or are being sold for payment of goods exported or to be exported from Canada having a value not exceeding one hundred dollars or thirty-five pounds respectively in any one shipment.

**15.** A person desiring or being required to enter into a forward contract with an authorized dealer to sell to the authorized dealer United States dollars or sterling shall complete and submit to the authorized dealer an application for a permit on Form CFC.

**16.** (1) Where a resident declares to an authorized dealer, pursuant to subsection one of section twenty-two of the Act, that he owns or possesses

**Foreign Exchange Control Act—continued**

or is entitled to a right to payment of foreign currency, other than United States dollars or sterling, he shall empower the authorized dealer, pursuant to subsection three of the said section twenty-two, to take such steps on his behalf as may be necessary to exchange the said foreign currency for

- (a) United States dollars or a right to payment thereof where it is a convertible foreign currency; or
- (b) sterling or a right to payment thereof where it is a sterling area currency;

and shall sell the United States dollars or sterling, as the case may be, to the authorized dealer.

(2) A person desiring to sell to an authorized dealer foreign currency, other than United States dollars or sterling, shall empower the authorized dealer to take such steps on his behalf as may be necessary to exchange the said foreign currency for

- (a) United States dollars or a right to payment thereof where it is a convertible foreign currency; or
- (b) sterling or a right to payment thereof where it is a sterling area currency;

and shall sell the United States dollars or sterling, as the case may be, to the authorized dealer.

(3) The provisions of section fourteen apply in respect of a sale of sterling or United States dollars under this section.

(4) This section does not apply to a sale of foreign banknotes or coin.

*Applications to Buy Foreign Currency*

17. (1) Subject to subsections two and three, a person desiring to buy United States banknotes or coin shall apply to an authorized dealer or special agent for a permit on Form FT and a person desiring or being required to buy for immediate delivery United States dollars or sterling, in a form other than banknotes or coin, shall apply to an authorized dealer, postmaster or special agent for a permit on Form F.

(2) Form F is not required for an application for a permit to buy for immediate delivery United States dollars or sterling in a form other than banknotes or coin

- (a) for the purpose of making payment in full for goods for the import of which a permit on Form E has been granted pursuant to an application under section forty-six and which permit is surrendered to the authorized dealer at the time of the application to buy the United States dollars or sterling;
- (b) by a non-resident pursuant to section thirty or section thirty-seven;
- (c) for the purpose of making payment in an amount not exceeding twenty-five dollars or thirty-five pounds respectively, for goods other than those referred to in paragraph (a) of this subsection which have been or are to be imported into Canada; or
- (d) in other cases, in an amount not exceeding ten dollars or thirty five pounds respectively.

(3) It is a condition of every application under this section to buy foreign currency for immediate delivery and of every permit granted pursuant thereto that

**Foreign Exchange Control Act—continued**

- (a) where the foreign currency is required to meet travelling expenses for a journey outside Canada, the applicant will be leaving Canada on such journey not longer than two weeks after the date on which the application was made;
  - (b) where the foreign currency is required to pay a contractual obligation, the payment is due under the terms thereof; and
  - (c) in other cases, the foreign currency is required for immediate payment to the person named in the application as the person to whom the foreign currency is to be paid.
- (4) Nothing in this section authorizes a person to buy or an authorized dealer, postmaster or special agent to sell foreign currency except in cases and for purposes authorized by instructions issued by the Board to authorized dealers, postmasters and special agents.

**18.** A person desiring or being required to enter into a forward contract to buy from an authorized dealer United States dollars or sterling shall apply to the authorized dealer for a permit on Form FFC.

**19.** United States dollars and convertible foreign currencies are hereby designated as currencies which no person shall buy or pay and no authorized dealer, postmaster or special agent shall sell for any payment to or for the account of a resident of a sterling area country, other than a payment of interest or dividends on, or the principal amount of any Canadian securities under the terms of which such interest, dividends or principal is payable in United States dollars or a convertible foreign currency.

**20.** (1) A person desiring to buy a foreign currency other than United States dollars or sterling shall apply to an authorized dealer to buy

- (a) an amount of United States dollars which such person and the authorized dealer agree is equivalent in value to the currency desired where such currency is a convertible foreign currency; and
- (b) an amount of sterling which such person and the authorized dealer agree is equivalent in value to the currency desired where such currency is a sterling area currency;

and such person shall empower the authorized dealer to take such steps on his behalf as may be necessary to exchange the United States dollars or sterling, as the case may be, for the currency desired or a right to payment thereof.

(2) The provisions of section seventeen apply in respect of a purchase of sterling or United States dollars under this section.

(3) This section does not apply to a purchase of foreign banknotes or coin.

*Merchants, Hotelkeepers, etc.*

**21.** (1) A resident who is a merchant, hotelkeeper or otherwise customarily engaged in a business serving tourists may

- (a) accept United States dollars from a non-resident tourist or temporary visitor to Canada in payment for goods bought by or services rendered to the non-resident in Canada and may in any such transaction make change in United States banknotes and coin;



**Foreign Exchange Control Act—continued**

- (b) as a service to non-resident tourists or temporary visitors to Canada buy United States dollars; and
  - (c) accept United States dollars from a resident in payment for goods bought by or services rendered to the resident, but nothing in this paragraph authorizes any disposition or use of United States dollars by any resident otherwise than as permitted by the Act or these Regulations.
- (2) For the purposes of subsection one, "United States dollars" includes negotiable instruments payable in United States dollars.
- (3) A resident accepting or buying United States dollars pursuant to subsection one shall allow or pay on the net amount of United States dollars so acquired the spot buying rate for United States dollars prescribed by the Governor in Council pursuant to section eighteen of the Act without deduction or charge other than for the amount of normal charges made by banks in Canada for the collection of negotiable instruments.
- (4) A merchant, hotelkeeper or other person who acquires United States banknotes and coin pursuant to this section may have in his possession an amount thereof not exceeding two hundred and fifty dollars without a special permit from the Board if the banknotes and coin are required by him for the purpose of making change for non-residents pursuant to paragraph (a) of subsection one.

**PAYMENTS OF FOREIGN CURRENCY BETWEEN RESIDENTS**

**22.** (1) No permit is required, pursuant to section nineteen of the Act, for a resident to pay foreign currency or transfer a right to payment thereof to, or accept foreign currency or a right to payment thereof from, another resident in the following cases:

- (a) A payment by or to a resident acting as trustee, executor, administrator or agent for a non-resident by disbursement from or for deposit to a foreign currency bank account authorized pursuant to section seventy-two;
- (b) The acceptance by a resident of interest or dividends on, or principal of, Canadian foreign securities where a permit has been granted under these Regulations to the issuer of the securities for payment of the interest, dividends or principal in foreign currency to holders thereof;
- (c) The acceptance of United States dollars by a resident pursuant to paragraph (c) of subsection one of section twenty-one; and
- (d) Payments between appointed security dealers in circumstances and under conditions prescribed in instructions of the Board to appointed security dealers.

(2) A resident for whom payments in a foreign currency between himself and his resident customers or suppliers are essential to the conduct of his business may apply to the Board for permission to make or accept such payments, stating the name and address of the applicant's authorized dealer and of the proposed payors and payees and the reasons for the application.

**OFFSETTING TRANSACTIONS**

**23.** (1) Subject to subsection two, a person may acquire foreign currency or a right to payment thereof from an authorized dealer in exchange for the same foreign currency or a right to payment thereof in another form of equivalent value without selling the foreign currency to or buying the foreign currency from the authorized dealer

**Foreign Exchange Control Act—continued**

(2) Nothing in this section authorizes a resident to acquire from an authorized dealer or an authorized dealer to provide to a resident foreign currency or a right to payment thereof except in cases and for purposes prescribed in instructions of the Board to authorized dealers.

**FOREIGN CURRENCY TRANSACTIONS BY AUTHORIZED DEALERS**

24. When an authorized dealer buys or is paid any foreign bank-notes or coin, it shall not be liable, pursuant to section twenty of the Act, to make any payment to the Minister for the credit of the Exchange Fund Account except as provided in instructions of the Board.

25. An authorized dealer shall not be liable, pursuant to section twenty of the Act, to make payment to the Minister for the credit of the Exchange Fund Account of foreign currency or a right to payment thereof paid to or acquired by the authorized dealer under section twenty-three except as provided in instructions of the Board.

26. Subject to sections twenty-four and twenty-five and unless otherwise provided in instructions of the Board, where an authorized dealer is paid or acquires a right to payment of a foreign currency, other than United States dollars or sterling, he shall be liable, pursuant to subsection three of section twenty of the Act, to make available to the Minister for the credit of the Exchange Fund Account

- (a) an equivalent amount of United States dollars where the foreign currency is a convertible foreign currency; and
- (b) an equivalent amount of sterling where the foreign currency is a sterling area currency.

**FOREIGN CURRENCY BANK ACCOUNTS OF NON-RESIDENTS**

27. No permit is required with respect to a foreign currency deposit account maintained by a non-resident with an authorized dealer or deposits to and withdrawals from such an account.

**PAYMENTS IN CANADIAN CURRENCY**

*From Residents to Non-Residents*

28. (1) Subject to subsections two and three, every resident desiring to pay Canadian currency to, or to the account or for the credit of, a non-resident shall apply to an authorized dealer for a permit on Form G.

(2) An application or permit on Form G is not required for a payment of Canadian currency

- (a) by a bank in Canada where the payment is charged to a non-resident deposit account with the bank;
- (b) by a bank in Canada to the credit of a non-resident deposit account with the bank of interest payable on the account;
- (c) by a resident broker, investment dealer or other agent for a non-resident to the credit of an account of the non-resident with the broker, investment dealer or other agent respectively;
- (d) in the form of banknotes, coin or travellers' cheques to a non-resident by a traveller who has left Canada taking such banknotes, coin or travellers' cheques with him pursuant to and subject to the conditions of section forty-nine;

**Foreign Exchange Control Act—continued**

- (e) by a resident company, partnership, branch or unincorporated business of a payment of dividends, profits or interest for which an application for a permit on Form DIV under section thirty-four, thirty-five or thirty-six has been granted;
  - (f) where the payment is to a resident of a United States dollar area or special arrangement country
    - (i) in an amount not exceeding twenty-five dollars in settlement for goods which have been imported into Canada from a United States dollar area or special arrangement country; or
    - (ii) for a purpose other than that referred to in sub-paragraph (i) of this paragraph or a purchase of securities, where the amount, together with all other payments of Canadian currency by the resident to or to the account of the same or other residents of a United States dollar area or special arrangement country in the same calendar month, except payments made under sub-paragraph (i) of this paragraph, does not exceed ten dollars; or
  - (g) where the payment is to a resident of a sterling area country
    - (i) In an amount not exceeding one hundred dollars in settlement for goods which have been imported into Canada; or
    - (ii) for a purpose other than that referred to in sub-paragraph (i) of this paragraph where the amount, together with all other payments of Canadian currency by the resident to or to the account of the same or other residents of a sterling area country in the same calendar month, except payments made under sub-paragraph (i) of this paragraph, does not exceed one hundred dollars.
- (3) In addition to the exemptions contained in subsection two, an application or permit on Form G is not required for a payment of Canadian currency by means of
- (a) a cheque or coupon for interest due on Canadian domestic securities owned by a non-resident where the securities were or are
    - (i) issued or guaranteed by any government, municipal or other public authority or by a board, commission, public utility or other enterprise or undertaking wholly controlled by any government, municipal or other public authority; or
    - (ii) issued and offered for public subscription by any society, company or corporation;
  - (b) an order (cheque) drawn on the Receiver General of Canada in favour of a non-resident and bearing thereon at the time of issue the address of the payee outside Canada; or
  - (c) a cheque issued in favour of a non-resident by a trust or loan company referred to in section seven or a life insurance company referred to in section eight and bearing a statement initialled by an official of the company that the payment has been approved by or on behalf of the Board.
- (4) Nothing in this section authorizes a resident to pay Canadian currency to a non-resident or an authorized dealer or agent of the Board to permit such a payment, except in cases and for purposes authorized by instructions issued by the Board to authorized dealers and agents of the Board.



**Foreign Exchange Control Act—continued**

29. Where an authorized dealer approves an application for a permit on Form G pursuant to section twenty-eight for a payment of Canadian currency to or to the account of a non-resident, he shall, in the manner prescribed in instructions of the Board, place a statement on the instrument of payment that a permit for the payment has been granted.

30. At the time of presentation for payment of

- (a) an instrument bearing a statement placed thereon by an authorized dealer in accordance with section twenty-nine; or
- (b) a cheque or coupon referred to in subsection three of section twenty-eight;

the person presenting the instrument, cheque or coupon may apply to an authorized dealer to buy United States dollars with the Canadian currency payable thereunder, provided that

- (i) the payee is a resident of a United States dollar area or special arrangement country or, in the case of an interest cheque or coupon referred to in paragraph (a) of sub-section three of section twenty-eight, has received the cheque or coupon as trustee, agent or nominee of a resident of a United States dollar area or special arrangement country entitled to the beneficial ownership of the securities on which the interest is being paid; and
- (ii) the instrument, cheque or coupon does not contain a statement that it is payable only in Canadian currency.

*Between Non-Residents*

31. No payment of Canadian currency shall be made, except in accordance with a permit,

- (a) to or to the account or for the credit of a resident of a United States dollar area country by or from the account of a resident of a sterling area or special arrangement country; or
- (b) to or to the account or for the credit of a resident of a sterling area or special arrangement country by or from the account of a resident of a United States dollar area country.

*Responsibility of Banks*

32. (1) Where a bank in Canada, hereinafter referred to as the "collecting bank", receives for payment to or for the credit of a non-resident a negotiable instrument payable in Canadian currency issued by or drawn on another bank in Canada, hereinafter referred to as the "drawee bank", the collecting bank shall notify the drawee bank, in the manner prescribed in instructions of the Board, before payment of the instrument that the proceeds are to be paid or credited to a non-resident and if such notice is given, the collecting bank may regard payment by the drawee bank as sufficient evidence that no permit is required or that the requisite permit has been obtained for the payment of the Canadian currency to the non-resident.

(2) A drawee bank receiving a negotiable instrument payable in Canadian currency from a collecting bank without any notification that such instrument is payable to or for the credit of a non-resident may make payment to the collecting bank in respect thereof.

**Foreign Exchange Control Act—continued**

**33.** No bank in Canada shall, except in accordance with a permit, recognize or record for the purpose of any transaction to which the Act applies, any change of address of the owner of a bank account whose country of residence is

- (a) a sterling area or special arrangement country to an address in a United States dollar area country; or
- (b) a United States dollar area country to an address in a sterling area or special arrangement country.

*Dividends, Profits and Inter-Company Interest*

**34.** A resident company desiring to pay a dividend on any class of its capital stock, any of which is owned by a non-resident, shall apply to an authorized dealer or the Board for a permit on Form DIV.

**35.** (1) Where a non-resident, who has in Canada a business or undertaking or a branch or agency of any business or undertaking of any kind whatsoever in which he is engaged and with respect to the operation or transactions of which he is deemed to be a resident, desires to obtain payment to him as a non-resident of profits from the said business, undertaking, branch or agency, he shall apply to an authorized dealer or the Board for a permit on Form DIV.

(2) For the purposes of this section a payment by way of salary, wages or commissions to a partner in or owner of a business is deemed to be a payment of profits.

(3) This section shall not apply to a resident branch of a non-resident company, society or association registered to transact business in Canada under the Foreign Insurance Companies Act, 1932, or the Canadian and British Insurance Companies Act, 1932.

**36.** (1) Where

- (a) a non-resident who has in Canada a business or undertaking or a branch or agency of any business or undertaking of any kind whatsoever in which he is engaged and with respect to the operation or transactions of which he is deemed to be a resident; or
- (b) a resident company that is a subsidiary of, or a substantial part of the shares of which are owned by the same persons as those of, a non-resident company, or that is determined by the Board to be affiliated or associated with a non-resident company,

desires to make any payment by way of interest or payment of a like nature to interest, to the said business, undertaking, branch, agency or non-resident company, the said resident or company shall apply to an authorized dealer or the Board for a permit on Form DIV.

(2) This section shall not apply to a payment of interest on securities which have been or are issued and offered for public subscription.

**37.** (1) A negotiable instrument payable in Canadian currency issued under a permit granted upon an application on Form DIV pursuant to section thirty-four, thirty-five or thirty-six shall, unless otherwise specified by the Board, contain the symbols

- (a) "RES (serial number of permit)" where the instrument is expressed to be payable to a resident and there is no address on the instrument to indicate that the shareholder is a non-resident;  
**and**

**Foreign Exchange Control Act—continued**

- (b) "FECB DIV (serial number of permit)" where
  - (i) the payee is a non-resident whose address elsewhere than in Canada is shown on the instrument; or
  - (ii) the instrument is expressed to be payable to a resident for account of a non-resident or to a non-resident in care of an address in Canada and the country of residence of the non-resident is indicated on the instrument.

(2) At the time of presentation for payment of an instrument issued in accordance with this section, the person presenting the instrument may apply to an authorized dealer to buy United States dollars with the Canadian currency payable thereunder provided that the payee

- (a) in the case of a cheque marked "FECB DIV (serial number)" is a resident of a United States dollar area or special arrangement country; or
- (b) in the case of a cheque marked "RES (serial number)" has received the instrument as trustee, agent or nominee of a resident of a United States dollar area or special arrangement country beneficially entitled to the payment.

**33.** (1) Subject to subsection two, an application on Form DIV pursuant to section thirty-four, thirty-five or thirty-six shall be made thirty days in advance of the proposed date of payment and, unless already furnished to the Board, shall be supported by

- (a) annual financial statements for the applicant's financial years ending on or after the thirtieth day of June, one thousand nine hundred and thirty-nine, reported upon by its auditors, if any, or otherwise certified to by a responsible official;
- (b) a statement by the applicant of his net taxable income for any relevant taxation period as assessed under the Income Tax Act or, if not then assessed, as reported by the applicant, with such additional information in relation thereto as the Board may require;
- (c) a statement indicating the tax exigible on, or the provision made for the payment of tax liability of, the applicant under the Excess Profits Tax Act, 1940, as amended, for any relevant taxation period; and
- (d) if the Board so requests, interim financial statements, certified to by a responsible official of the applicant, for the period subsequent to the end of the applicant's latest financial year.

- (2) Subsection one shall not apply to an application on Form DIV
  - (a) where the total amount of dividends, profits or interest paid or to be paid to non-residents in the applicant's current financial year does not exceed one thousand dollars;
  - (b) for the payment of dividends on any class of capital stock which has been or is issued and offered for public subscription, where the total amount of the dividends to be paid to non-residents is less than fifty per cent of the total amount of the dividends to be paid by the applicant to both residents and non-residents; or
  - (c) in cases other than those referred to in paragraphs (a) and (b) of this subsection, where the total amount of dividends, profits or interest to be paid to non-residents is less than twenty-five per cent of the total amount of dividends, profits or interest to be paid by the applicant to both residents and non-residents;



**Foreign Exchange Control Act—continued**

provided that it is a condition of the approval of any such application that the applicant will, upon request, furnish the Board with its annual financial statements and a certificate of a responsible official with respect to the residential status of the persons who are beneficially entitled to receive the dividends, profits or interest.

**39.** A resident branch of a non-resident company, society or association registered under the Foreign Insurance Companies Act, 1932, or the Canadian and British Insurance Companies Act, 1932, desiring to make any payment of profits to the non-resident company, society or association shall apply to the Board, thirty days in advance of the proposed date of payment, on

- (a) Form 20 where the profits were derived from carrying on in Canada the business of life insurance; and
- (b) Form 21 where the profits were derived from carrying on in Canada the business of insurance other than life insurance.

**EXPORTS OF GOODS**

**40.** (1) Subject to subsection two, every person desiring to export goods from Canada shall at the time of export, apply for a permit on Form B.13-B to a Customs Officer at the frontier port of exit through which the goods are to be exported.

(2) No permit is required for

- (a) exports of goods as gifts having a value not exceeding twenty-five dollars in any one shipment;
- (b) exports of goods, otherwise than as gifts, having a value not exceeding five dollars in any one shipment;
- (c) exports of travellers' baggage;
- (d) exports by a non-resident tourist or temporary visitor to Canada of
  - (i) goods purchased by him while in Canada for personal or household use and not being exported for sale;
  - (ii) personal baggage and effects, vessel, aircraft, automobile or other vehicle and travelling, camping and sporting equipment brought into Canada by him; or
- (e) exports of any other goods for which a Canada Customs export entry is not required.

(3) Where a Customs Officer at the frontier port of exit is satisfied with respect to any export of goods that the exporter is unable to complete the full details required on Form B.13-B before the goods are ready for export but that the export is otherwise eligible for a permit under this section, the Customs Officer may allow the goods to be exported upon the exporter submitting a temporary export entry on Form B.13-B on condition that the exporter shall, not later than six days thereafter, submit to the Customs Officer a further application on Form B.13-B containing full details of the export.

**41.** Notwithstanding paragraphs (b) and (c) of subsection one of section twenty-five of the Act, a resident is not required to obtain payment for the assignment, transfer or delivery to a non-resident of goods which

**Foreign Exchange Control Act—continued**

the resident knows are to be exported from Canada, and a non-resident may acquire or accept delivery of goods from a resident with the intention of exporting such goods, without making payment therefor in the following cases:

- (a) Goods which if being imported into Canada would be entitled to entry under items 706, 707 or 708 of the Customs Tariff;
- (b) Travellers' samples;
- (c) Printing plates, electrotypes, matrices and similar articles used in the printing trade if being exported without charge by or for use in newspapers or periodicals, or re-exported after having been imported without charge by or for use in newspapers or periodicals;
- (d) Goods of no commercial value, including samples exported for test and samples re-exported after having been imported for test;
- (e) Goods exported temporarily for repairs, adjustments or to be tested such that on return to Canada they will be eligible for entry on payment of duty on the value of repairs, adjustments or tests only;
- (f) Properly identified empty containers or covers which are to be returned to Canada for entry under item 709 of the Customs tariff;
- (g) Animals and articles, the property of non-residents which have been entered ex-warehouse for export after having been imported for exhibition or convention purposes;
- (h) Imported periodicals or covers of imported periodicals being re-exported from Canada;
- (i) Stores, equipment and supplies exported by a transportation company which operates both in Canada and elsewhere, where the stores, equipment and supplies are being exported for its own use and not for sale;
- (j) Household furniture, personal effects, professional instruments and tools of trade, passenger automobiles, bicycles and motorcycles exported by or for an individual on change of domicile, solely for the owner's or his immediate family's use and not for sale; or
- (k) Gifts up to a value not exceeding one hundred dollars in any one shipment.

42. (1) There is hereby designated as the currency acceptable, pursuant to paragraphs (b) and (c) of subsection one of section twenty-five of the Act, for the sale by a resident to a non-resident of goods which the resident knows are to be exported, and the purchase by a non-resident from a resident of goods with the intention of exporting them, from Canada to a United States dollar area country,

- (a) United States dollars;
- (b) a convertible foreign currency; or
- (c) where payment is to be made by, or from the deposit account with a bank in Canada of, a resident of a United States dollar area country, Canadian currency in the following cases:
  - (i) Occasional sales and purchases of goods having a value not exceeding one hundred dollars;

**Foreign Exchange Control Act—continued**

- (ii) Goods for personal or household use purchased by a non-resident tourist while in Canada and not being exported for resale by the non-resident, which are being shipped by the resident vendor of the goods who has clearly marked the relative application for a permit on Form B.13-B with the words "*Bona fide* tourist purchase" or are being exported by the non-resident; and
- (iii) Where the Canadian currency paid by the non-resident was obtained by him by the sale of United States dollars to an authorized dealer and a permit has been granted to the non-resident to make payment in such manner.

(2) Subject to section forty-three, there is hereby designated as the currency acceptable for the sale by a resident to a non-resident of goods which the resident knows are to be exported, and the purchase by a non-resident from a resident of goods with the intention of exporting them, from Canada to a sterling area country,

- (a) United States dollars;
- (b) a convertible foreign currency;
- (c) sterling;
- (d) a sterling area currency; or
- (e) where payment is to be made from the deposit account with a bank in Canada of a resident of a sterling area or special arrangement country or by a cheque drawn on an account of a resident of a United States dollar area country for the operation of which an NS permit has been granted under section seventy-seven, Canadian currency.

(3) Subject to section forty-three, there is hereby designated as the currency acceptable for the sale by a resident to a non-resident of goods which the resident knows are to be exported, and the purchase by a non-resident from a resident of goods with the intention of exporting them, from Canada to a special arrangement country,

- (a) United States dollars;
- (b) a convertible foreign currency; or
- (c) where payment is to be made from the deposit account with a bank in Canada of a resident of a special arrangement or sterling area country, or by a cheque drawn on an account of a resident of a United States dollar area country for the operation of which an NS permit has been granted under section seventy-seven, Canadian currency.

**43.** Where goods which have been or are to be imported into Canada from a United States dollar area country are sold by a resident to a non-resident, knowing that the goods are to be exported, or purchased by a non-resident from a resident with the intention of exporting the goods, from Canada to a sterling area or special arrangement country in the same condition as imported or to be imported from the United States dollar area country, the only currency designated as acceptable in connection with such a transaction is

- (a) United States dollars; or
- (b) a convertible foreign currency.

**44.** A permit for an export of goods granted pursuant to an application on Form B.13-B under section forty shall not be deemed to have



**Foreign Exchange Control Act—continued**

authorized any assignment, transfer or delivery of goods by a resident to a non-resident, or the acquisition or acceptance of goods by a non-resident from a resident, contrary to paragraphs (b) and (c) of subsection one of section twenty-five of the Act and sections forty-one to forty-three, inclusive, of these Regulations.

45. It is a condition of every permit on Form B.13-B granted to a resident pursuant to an application made under section forty for the export of goods from Canada on consignment that any assignment, transfer or delivery of the goods to a non-resident shall be pursuant to a sale providing for the payment to the resident by the non-resident within six months from the date of sale of not less than the fair value thereof in a currency which would have been acceptable under sections forty-two and forty-three if the resident had sold the goods to the non-resident prior to their export from Canada.

**IMPORTS OF GOODS**

46. (1) Subject to subsection two, a person desiring to import goods into Canada shall at the time of entering the goods through Canada Customs apply for a permit on Form E to a Customs Officer at the port of entry.

(2) No permit on Form E is required for imports into Canada of

- (a) periodical publications;
- (b) personal baggage and effects, vessel, aircraft, automobile or other vehicle and travelling, camping and sporting equipment brought into Canada by a non-resident tourist for his own use and not for sale in Canada; or
- (c) goods for which Customs import entry is made otherwise than on Customs Form B.1, B.5 or B.11.

(3) A person importing into Canada goods other than those referred to in paragraphs (a), (b) and (c) of subsection two for which Customs import entry is not made on Customs Form B.1, B.5 or B.11 shall obtain a copy, certified and date-stamped by a Customs Officer, of the appropriate Customs import form or Customs invoice used in clearing the goods through Canada Customs.

47. (1) A person applying to an authorized dealer for a permit to buy United States dollars or sterling or to pay Canadian currency to a non-resident in settlement for goods imported or to be imported into Canada shall surrender to the authorized dealer the relative permit on Form E covering the importation of the goods, or exhibit to the authorized dealer the evidence of importation referred to in subsection three of section forty-six, at the time of such application or immediately the goods have been cleared through Canada Customs, whichever occurs later.

(2) Where a person who has obtained a permit on Form E. has bought the goods from a resident who in turn has or will be settling with the non-resident supplier of the goods, such person shall endorse and deliver the Form E to the resident vendor of the goods and the resident vendor shall deal with the Form E in the manner provided in subsection one.

(3) Subsection one shall not apply to the holder of a BD permit or an NS permit granted pursuant to an application under sections seventy-five and seventy-seven respectively.

**Foreign Exchange Control Act—continued**

48. (1) Subject to subsections two and three there is hereby designated as the currency which a resident may, pursuant to paragraph (b) of subsection one of section twenty-six of the Act, pay or agree to pay to a non-resident for the purchase from a non-resident of goods which are to be imported into Canada,

- (a) Canadian currency; or
- (b) any foreign currency.

(2) Where a resident purchases or agrees to purchase from a resident of a sterling area country goods which are to be imported into Canada, the only currency hereby designated as payable in connection with such a transaction is

- (a) sterling;
- (b) a sterling area currency; or
- (c) where payment is to be made to a resident of a sterling area or special arrangement country, Canadian currency.

(3) Where a resident purchases or agrees to purchase from a non-resident goods which have been or are to be exported to a sterling area or special arrangement country, the following currencies are designated as not payable in connection therewith:

- (a) United States dollars;
- (b) A convertible foreign currency; and
- (c) Where payment is to be made to a resident of a United States dollar area country, Canadian currency;

except where the goods have been or are to be

- (d) processed in Canada; or
- (e) sold on terms providing for payment to a Canadian resident in United States dollars or a convertible foreign currency.

**EXPORTS OF CURRENCY AND NEGOTIABLE INSTRUMENTS***By Travellers*

49. (1) Subject to subsections two and three, a resident proposing to leave Canada, hereinafter in this section referred to as the "traveller", and desiring to take with him any banknotes, coin or travellers' cheques shall apply for a permit on Form H to an authorized dealer or special agent.

(2) No permit is required for a traveller to leave Canada taking with him Canadian or foreign banknotes, coin or travellers' cheques

- (a) if he is an officer, official or employee of the government of any country other than Canada or of an international organization whose duties require him to reside in Canada and who is accorded diplomatic privileges by the government of Canada; or
- (b) where the total value of the banknotes, coin and travellers' cheques which the traveller is taking with him does not exceed twenty-five dollars of which not more than ten dollars is foreign banknotes and coin and travellers' cheques payable in foreign currency, provided that

- (i) any foreign banknotes or coin or travellers' cheques payable in foreign currency in the traveller's possession were purchased

**Foreign Exchange Control Act—continued**

by him from an authorized dealer or special agent for the purpose of the journey on which he is leaving Canada or are otherwise held by him in accordance with the Act and these Regulations;

- (ii) nothing in this paragraph shall be deemed to authorize a traveller to make any expenditures elsewhere than in Canada in connection with his journey except to meet reasonable travelling and personal expenses for a temporary sojourn outside Canada, including purchases of goods which are eligible for importation into Canada and are to be imported into Canada for personal or household use and not for sale;
- (iii) no payments shall be made in United States dollars or a convertible foreign currency to meet expenditures in a sterling area country; and
- (iv) nothing in this paragraph shall be deemed to authorize a traveller to incur any debts or obligations to any non-resident for purposes incidental to the journey except those which will be paid with foreign currency already bought from an authorized dealer or special agent for the purpose or with the banknotes, coin or travellers' cheques which the traveller is authorized to export under this paragraph.

(3) In lieu of permits on Form H the Board may, in appropriate cases, issue special forms of permits for travellers.

(4) Unless the Board otherwise directs, every permit granted pursuant to this section shall be surrendered by the traveller to a Customs Officer at the time the traveller is leaving Canada.

(5) Unless otherwise specified, it shall be a condition of every permit granted under this section that

- (a) no expenditures shall be made elsewhere than in Canada in connection with the journey except to meet reasonable travelling and personal expenses of the traveler for a temporary sojourn outside Canada, including purchases of goods which are eligible for importation into Canada and are to be imported into Canada for personal or household use and not for sale;
- (b) any Canadian or foreign currency remaining in the traveller's possession or to which he is entitled after meeting expenditures of the character referred to in paragraph (a) of this subsection shall be brought back to Canada by the traveller on his return and, in the case of foreign currency, shall, subject to section thirteen, be sold to an authorized dealer;
- (c) no payments shall be made in United States dollars or a convertible foreign currency to meet expenditures in a sterling area country; and
- (d) no debts or obligations shall be incurred to any non-resident for purposes incidental to the journey except those which will be paid with foreign currency already bought from an authorized dealer or special agent for the purpose or with the banknotes, coin or travellers' cheques authorized for export under the permit.

50. Notwithstanding paragraph (c) of subsection three of section twenty-five of the Act, a non-resident who is a tourist or temporary visitor to Canada shall not, except in accordance with a permit, export from



**Foreign Exchange Control Act—continued**

Canada foreign or Canadian banknotes, coin or travellers' cheques, in an amount exceeding the amount of foreign or Canadian banknotes, coin or travellers' cheques, respectively, brought by him to Canada on the journey or visit from which he is leaving Canada, less the amount of his expenditures in Canada during such journey or visit.

*Other Exports*

**51.** (1) Subject to subsection two, a person desiring to export from Canada any banknotes, coin, travellers' cheques or coupons detached from bonds or bearer share warrants shall apply to an authorized dealer of the Board for a permit on Form K.

(2) No application or permit on Form K is required for the export of

- (a) banknotes, coin, travellers' cheques or coupons detached from bonds or bearer share warrants by an authorized dealer or by a trust or loan company referred to in section seven or a life insurance company referred to in section eight in circumstances and under conditions prescribed in instructions of the Board; or
- (b) banknotes, coin or travellers' cheques by a person to whom a permit for the export thereof has been granted pursuant to section forty-nine or by whom a permit is not required pursuant to paragraph (c) of subsection three of section twenty-five of the Act and section fifty of these Regulations.

(3) Unless otherwise provided by the Board, a person to whom a permit on Form K has been granted pursuant to this section for the export of banknotes, coin, travellers' cheques or coupons detached from bonds or bearer share warrants shall surrender the permit,

- (a) where the export is being made by mail, to the postmaster at the time and place of mailing; and
- (b) in other cases, to a Customs Officer at the frontier port of exit through which the export is to be made.

**EXPORTS OF SECURITIES**

**52.** (1) Subject to subsections two and three, a person desiring to export securities from Canada shall apply to an authorized dealer or the Board for a permit on Form K.

(2) No permit is required for the export of securities by an authorized dealer or by a trust or loan company referred to in section seven or a life insurance company referred to in section eight, in circumstances and under conditions prescribed in instructions of the Board.

(3) An appointed security dealer may approve a permit on Form K for the export of securities by the appointed security dealer in circumstances and under conditions prescribed in instructions of the Board.

(4) Unless otherwise provided by the Board, any person to whom a permit on Form K has been granted pursuant to this section for the export of securities shall surrender the permit,

- (a) where the export is being made by mail, to a postmaster at the time and place of mailing; and
- (b) in other cases, to a Customs Officer at the frontier port of exit through which the export is to be made.

**Foreign Exchange Control Act—continued**

SECURITIES TRANSACTIONS

*Purchases and Sales of Securities*

53. (1) Subject to subsections two and three, a resident desiring to sell, transfer, assign or deliver securities or any right, title or interest therein, either in Canada or elsewhere, to or to the account of a non-resident shall apply for a permit on Form K to an authorized dealer or the Board.

(2) An appointed security dealer may approve a permit on Form K for the sale, transfer, assignment or delivery of securities or of a right, title or interest therein by the appointed security dealer to or to the account of a non-resident in circumstances and under conditions prescribed in instructions of the Board.

(3) No permit on Form K is required for the sale, transfer or delivery of securities or of a right, title or interest therein to a non-resident by an authorized dealer or by a trust or loan company referred to in section seven or a life insurance company referred to in section eight, in circumstances and under conditions prescribed in instructions of the Board.

54. (1) Subject to subsections two and three,

(a) a non-resident desiring to sell any securities in Canada or for delivery in Canada shall apply for a permit on Form S to an authorized dealer or the Board; and

(b) a resident desiring to purchase in Canada any securities from or owned by a non-resident or sell in Canada any securities for or owned by a non-resident shall, unless a permit authorizing the sale of such securities in Canada has been granted to the non-resident pursuant to paragraph (a) of this subsection, apply for a permit on Form S to an authorized dealer or the Board.

(2) An appointed security dealer may approve a permit on Form S for the sale in Canada by the appointed security dealer of securities for or owned by a non-resident in circumstances and under conditions prescribed in instructions of the Board.

(3) No permit on Form S is required for the sale of securities in Canada or for delivery in Canada by an appointed security dealer on behalf of a non-resident in circumstances and under conditions prescribed in instructions of the Board.

*Transfers of Securities*

55. (1) No permit is required, pursuant to section twenty-eight of the Act, by a registrar, transfer agent or other person to record a transfer of Canadian securities from a resident to a non-resident or transfer securities from a register in Canada to a register elsewhere when a permit on Form K approved by the Board, an authorized dealer or an appointed security dealer authorizing the transfer, is exhibited to the registrar, transfer agent or other person and is endorsed by him with particulars of the names and addresses of the transferor and transferee, the number of shares or par value of bonds covered by the transfer and the serial number of any new share certificate or bond which is issued.

(2) A registrar, transfer agent, or other person may, without the production of a permit on Form K, register a transfer of Canadian securities from a resident to a non-resident or transfer securities from a register in Canada to a register elsewhere where

**Foreign Exchange Control Act—continued**

- (a) the securities are government, municipal or publicly issued corporate securities and were received by the registrar, transfer agent or other person for such purpose through the mail from a point outside Canada; or
- (b) the securities are presented to the registrar, transfer agent or other person for such purpose by an appointed security dealer.

(3) Subsection two does not authorize an appointed security dealer to present to a transfer agent, registrar or other person, securities for transfer from a resident to a non-resident, or from a register in Canada to a register elsewhere unless the appointed security dealer holds a permit on Form K approved by or on behalf of the Board authorizing such transfer or unless the securities were received by the appointed security dealer through the mail from a point outside Canada for the purpose of arranging the transfer.

**56.** No registrar, transfer agent or other person shall, except in accordance with a permit, register a transfer of Canadian securities from a resident of

- (a) a sterling area or special arrangement country to a resident of a United States dollar area country; or
- (b) a United States dollar area country to a resident of a sterling area or special arrangement country.

**57.** No registrar, transfer agent or other person shall, except in accordance with a permit, record for the purpose of any transaction to which the Act applies a change of address of an owner of Canadian securities whose country of residence is in

- (a) a sterling area or special arrangement country to an address in a United States dollar area country; or
- (b) a United States dollar area country to an address in a sterling area or special arrangement country.

**OTHER TRANSFERS OF PROPERTY**

**58.** Paragraph (a) of subsection one of section thirty-one of the Act shall not apply to the placing of property in trust for a non-resident pursuant to the terms of a trust securing any Canadian securities which are or have been issued and offered for public subscription.

**59.** (1) Subject to subsection two, there is hereby designated as the currency acceptable by a resident for a sale to a non-resident of property or any right, title or interest therein pursuant to paragraph (b) of subsection one of section thirty-one of the Act.

- (a) United States dollars; or
- (b) a convertible foreign currency.

(2) A resident may accept payment for a sale to

- (a) a resident of a sterling area country of property situated in Canada, or a sterling area or special arrangement country, or a right, title or interest therein, in
  - (i) sterling;
  - (ii) a sterling area currency; or
  - (iii) where payment is made from a deposit account with a bank in Canada of a resident of a sterling area or special arrangement country, Canadian currency;



**Foreign Exchange Control Act—continued**

- (b) a resident of a special arrangement country of property situated in Canada, or a sterling area or special arrangement country, or a right, title or interest therein, where payment is made from a deposit account with a bank in Canada of a resident of a special arrangement or sterling area country, in Canadian currency; and
- (c) a resident of a United States dollar area country of property situated in Canada, or a right, title or interest therein, where payment is made by, or from a deposit account with a bank in Canada of, a resident of a United States dollar area country, in Canadian currency.

**SERVICES**

**60.** (1) Section thirty-two of the Act shall not apply to any personal services performed in Canada for the comfort or convenience of a non-resident tourist or temporary visitor to Canada.

(2) Notwithstanding subsection two of section thirty-two of the Act, a resident shall not, except in accordance with a permit, perform or agree to perform in Canada for a non-resident any professional services of a kind ordinarily performed for remuneration otherwise than on terms that provide for payment within six months of not less than the fair value thereof in a currency designated by section sixty-one or sixty-two as acceptable by a resident in payment for services performed or agreed to be performed for a non-resident.

**61.** (1) Subject to section sixty-two, there is hereby designated as the currency acceptable, pursuant to section thirty-two of the Act, in payment for services performed or agreed to be performed by a resident for a resident of a United States dollar area country,

- (a) United States dollars;
- (b) a convertible foreign currency; or
- (c) where payment is made by, or from a deposit account with a bank in Canada of, a resident of a United States dollar area country, Canadian currency in the following cases:
  - (i) Services having a value not exceeding one hundred dollars;
  - (ii) Services performed in Canada by a common carrier for a non-resident tourist to Canada, excluding services for which payment has been or is to be made by a non-resident common carrier or transportation agency;
  - (iii) Services for which payment is obtained by a resident by deduction from a payment in Canadian currency due to the non-resident from a resident and collected by the first mentioned resident for or on behalf of the non-resident; and
  - (iv) Services for which payment is made by a cheque drawn on
    - A. an account of a resident of a United States dollar area country for the operation of which an NS permit has been granted under section seventy-seven; or
    - B. an account maintained with a bank in Canada by a non-resident-owned investment corporation which has established its status as that of a resident of a United States dollar area country pursuant to paragraph (h) of section three.

**Foreign Exchange Control Act—continued**

(2) Subject to section sixty-two, there is hereby designated as the currency acceptable in payment for services performed or agreed to be performed by a resident for a resident of a sterling area country;

- (a) United States dollars;
- (b) a convertible foreign currency;
- (c) sterling;
- (d) a sterling area currency; or
- (e) where payment is made from a deposit account with a bank in Canada of a resident of a sterling area or special arrangement country, Canadian currency.

(3) Subject to section sixty-two, there is hereby designated as the currency acceptable in payment for services performed or agreed to be performed by a resident for a resident of a special arrangement country,

- (a) United States dollars;
- (b) a convertible foreign currency; or
- (c) where payment is made from a deposit account with a bank in Canada of a resident of a special arrangement or sterling area country, Canadian currency.

**62.** (1) A resident may accept payment in Canadian currency made by another resident, for or on behalf of a non-resident, for services performed or agreed to be performed for the non-resident.

(2) Where a resident, for or on behalf of a non-resident, pays or agrees to pay another resident for services performed or to be performed for the non-resident, the resident making or agreeing to make the payment shall not procure or accept from the non-resident payment of the amount so paid or agreed to be paid by the resident, otherwise than in a currency which, but for subsection one, would be acceptable under section sixty-one by the resident performing or agreeing to perform the services.

**63.** There is hereby designated as the only currency which a resident may pay or contract to pay to a non-resident for any services performed or to be performed either in Canada or elsewhere by a resident of a sterling area country,

- (a) sterling;
- (b) a sterling area currency; or
- (c) where payment is to be made to a resident of a sterling area or special arrangement country, Canadian currency.

**OTHER TRANSACTIONS**

**64.** (1) Subject to subsection two, there is hereby designated as the currency acceptable, pursuant to paragraph (e) of section thirty-three of the Act, in payment for the assignment by a resident to a non-resident of a claim upon a non-resident or a right, title or interest therein or thereto,

- (a) United States dollars; or
- (b) a convertible foreign currency.

(2) A resident may accept payment for an assignment to

- (a) a resident of a sterling area country of a claim upon a resident of such country, or a right, title or interest therein or thereto, in
  - (i) sterling;

**Foreign Exchange Control Act—continued**

- (ii) a sterling area currency; or
- (iii) where payment is made from the deposit account with a bank in Canada of a resident of a sterling area or special arrangement country, Canadian currency; and
- (b) a resident of a special arrangement country of a claim upon a resident of such a country or a right, title or interest therein or thereto, where payment is made from a deposit account with a bank in Canada of a resident of a special arrangement or sterling area country, in Canadian currency.

**65.** A resident may, notwithstanding paragraph (f) of section thirty-three of the Act, accept satisfaction of all or part of a debt, claim or other obligation owing by, or of any other claim upon, a non-resident in United States dollars or a convertible foreign currency.

**66.** (1) Subject to subsection two, there is hereby designated as the currency acceptable, pursuant to paragraph (g) of section thirty-three of the Act, in payment for the letting or leasing to or otherwise authorizing the use of property by a non-resident,

- (a) United States dollars; or
- (b) a convertible foreign currency.

(2) A resident may accept payment for the letting or leasing to or otherwise authorizing the use by

- (a) a resident of a sterling area country of property situated in Canada or a sterling area country, in
  - (i) sterling;
  - (ii) a sterling area currency; or
  - (iii) where payment is made from the deposit account with a bank in Canada of a resident of a sterling area or special arrangement country, Canadian currency;
- (b) a resident of a special arrangement country of property situated in Canada or a special arrangement country, where payment is made from the deposit account with a bank in Canada of a resident of a special arrangement or sterling area country, in Canadian currency; and
- (c) a resident of a United States dollar area country who is a tourist or temporary visitor to Canada of property situated in Canada or where payment is made by, or from the deposit account with a bank in Canada of a resident of a United States dollar area country, in Canadian currency.

**67.** (1) Where a resident, either directly or indirectly, either by himself or together with any other resident, owns or controls any company, partnership, firm, business or undertaking carrying on business in a United States dollar area country, there is hereby designated as the only currency in which the resident may procure or receive a declaration or payment of dividends or a distribution or payment of income, revenue or earnings by the said company, partnership, firm, business or undertaking to which the resident is or may become entitled,

- (a) United States dollars; or
- (b) a convertible foreign currency.



**Foreign Exchange Control Act—continued**

(2) Where a resident, either directly or indirectly, either by himself or together with any other resident, owns or controls a company, partnership, firm, business or undertaking carrying on business in a sterling area country, there is hereby designated as the only currency in which the resident may procure or receive a declaration or payment of dividends or distribution or payment of income, revenue or earnings by the said company, partnership, firm, business or undertaking to which the resident is or may become entitled,

- (a) United States dollars;
- (b) a convertible foreign currency;
- (c) sterling;
- (d) a sterling area currency; or
- (e) where payment is made from a deposit account with a bank in Canada of a resident of a sterling area or special arrangement country, Canadian currency.

(3) Where a resident, either directly or indirectly, either by himself or together with any other resident, owns or controls a company, partnership, firm, business or undertaking, carrying on business in a special arrangement country, there is hereby designated as the only currency in which the resident may procure or receive a declaration or payment of dividends or a distribution or payment of income, revenue or earnings by the said company, partnership, firm, business or undertaking to which the resident is or may become entitled,

- (a) United States dollars;
- (b) a convertible foreign currency; or
- (c) where payment is made from a deposit account with a bank in Canada of a resident of a special arrangement or sterling area country, Canadian currency.

68. (1) Where a resident is or may become entitled to any payment from a non-resident executor, administrator or trustee of a legacy or distributive share of an estate or trust created by, or arising on the death of, a resident of a United States dollar area country, there is hereby designated as the only currency which the resident may accept or receive in respect thereof,

- (a) United States dollars; or
- (b) a convertible foreign currency.

(2) Where a resident is or may become entitled to any payment from a non-resident executor, administrator or trustee of a legacy or distributive share of an estate or trust created by, or arising on the death of, a resident of a sterling area country, there is hereby designated as the only currency which the resident may accept or receive in respect thereof,

- (a) United States dollars;
- (b) a convertible foreign currency;
- (c) sterling;
- (d) a sterling area currency; or
- (e) where payment is made from a deposit account with a bank in Canada of a resident of a sterling area or special arrangement country, Canadian currency.

**Foreign Exchange Control Act—continued**

(3) Where a resident is or may become entitled to any payment from a non-resident executor, administrator or trustee of a legacy or distributive share of an estate or trust created by, or arising on the death of, a resident of a special arrangement country, there is hereby designated as the only currency which the resident may accept or receive in respect thereof,

- (a) United States dollars;
- (b) a convertible foreign currency; or
- (c) where payment is made from a deposit account with a bank in Canada of a resident of a special arrangement or sterling area country, Canadian currency.

**69.** Where a resident owns, possesses or controls foreign securities which are payable or the principal amount of which is expressed or any interest or dividends on which are payable or paid at the option of the holder either in Canadian currency or foreign currency, the foreign currency in which such principal, interest or dividends is payable is hereby designated as the only currency which the resident may accept or receive in respect thereof.

**RESIDENTS' FOREIGN CURRENCY BANK ACCOUNTS**

*Disbursement Accounts*

**70.** (1) A resident may apply to the Board for a permit to deposit to his credit in an account with a bank foreign currency bought from or through an authorized dealer, pending its disbursement for the purpose for which it was bought.

(2) A permit granted under this section shall, for the purposes of these Regulations and the instructions of the Board, be known as a Q permit and shall be identified by such number having the prefix Q as the Board may assign to it.

(3) It is a condition of every permit for the operation of a foreign currency bank account granted under this section that, unless otherwise specified by the Board,

- (a) the only deposits to the account shall be of foreign currency bought by the permit holder from or through an authorized dealer;
- (b) the only payments or withdrawals from the account shall be for the purpose and within the time for which the foreign currency was bought from an authorized dealer or for the purpose of selling foreign currency on deposit in the account to an authorized dealer;
- (c) any foreign currency deposited to the account which is not required for the purpose and within the time for which it was bought shall be offered for sale to an authorized dealer; and
- (d) the permit holder shall furnish such reports and evidence as the Board may require from time to time of or relating to deposits to and withdrawals from the account.

*Accumulation Accounts*

**71.** (1) A resident may apply to the Board for a permit to deposit to his credit in an account with a bank payments received by such resident in foreign currency pending the sale of such foreign currency to an authorized dealer, without declaring the possession or ownership thereof or the right thereto to an authorized dealer at the time of receipt.

**Foreign Exchange Control Act—continued**

(2) A permit granted under this section shall, for the purposes of these Regulations and the instructions of the Board, be known as a Z permit and shall be identified by such number having the prefix Z as the Board may assign to it.

(3) It is a condition of every permit for the operation of a foreign currency bank account granted under this section that, unless otherwise specified by the Board,

- (a) the only deposits to the account shall be of foreign currency to which the permit holder becomes entitled by reason of payments received by the permit holder in foreign currency;
- (b) no payments or withdrawals shall be made from the account other than for the purpose of selling foreign currency on deposit in the account to an authorized dealer or for normal charges due to the bank with which the account is maintained in connection with the operation of the account;
- (c) foreign currency on deposit in the account shall be offered for sale to an authorized dealer whenever the Board may require and in any event such foreign currency shall not, unless otherwise specified by the Board, exceed two thousand dollars in value at any one time; and
- (d) the permit holder shall furnish such reports and evidence as the Board may require from time to time of or relating to deposits to and withdrawals from the account.

*Trustees, Agents, Executors, etc.*

72. (1) A resident who is a trustee, executor, administrator or agent for a non-resident may apply to the Board for a permit to deposit to his credit in an account with a bank foreign currency received on behalf of the non-resident, without declaring the possession or ownership thereof or the right thereto to an authorized dealer at the time of receipt, and to make or cause to be made payments from the account to or on behalf of the non-resident.

(2) A permit granted under this section shall, for the purposes of these Regulations and the instructions of the Board, be known as an AG permit and shall be identified by such number having the prefix AG as the Board may assign to it.

(3) It is a condition of every permit for the operation of a foreign currency bank account granted under this section that

- (a) the only deposits to and payments or withdrawals from the account shall be those of the character referred to in subsection one of this section or for the purpose of selling foreign currency on deposit in the account to an authorized dealer; and
- (b) the permit holder shall furnish such reports and evidence as the Board may from time to time require of or relating to deposits to and withdrawals from the account.

*Foreign Property Accounts*

73. (1) A resident who owns or controls real property outside Canada in respect of which revenue is received and expenses are incurred in foreign currency may apply to the Board for a permit to deposit such revenue to



**Foreign Exchange Control Act—continued**

his credit in an account with a bank, without declaring the possession or ownership thereof or the right thereto to an authorized dealer at the time of receipt, and to pay or cause to be paid such expenses out of the account.

(2) An application to the Board pursuant to subsection one shall give particulars of the property including an estimate of its current value and of the annual revenue and expenses relating thereto.

(3) A permit granted under this section shall, for the purposes of these Regulations and the instructions of the Board, be known as an FP permit and shall be identified by such number having the prefix FP as the Board may assign to it.

(4) It is a condition of every permit for the operation of a foreign currency bank account granted under this section that

- (a) the only deposits to the account shall be
  - (i) foreign currency received by the permit holder or to which he becomes entitled by reason of his ownership or control of the property in connection with which the permit was granted; and
  - (ii) foreign currency bought by the permit holder from or through an authorized dealer for the purpose of meeting expenses in connection with the property of the kind specified in paragraph (b) of this subsection;
- (b) unless specifically authorized by the Board, the only payments or withdrawals from the account shall be for the purpose of
  - (i) paying real property taxes, insurance premiums, agents' commissions, repairs and other similar expenses in connection with the maintenance of the property;
  - (ii) paying interest and principal due under any mortgage secured by the property; and
  - (iii) selling foreign currency on deposit in the account to an authorized dealer;
- (c) the permit holder shall, as and when required by the Board, sell to an authorized dealer any foreign currency on deposit in the account; and
- (d) the permit holder shall furnish such reports and evidence as the Board may from time to time require of or relating to deposits to and withdrawals from the account.

*Accounts of Stockbrokers and Investment Dealers*

74. (1) A resident stockbroker or investment dealer, including for the purposes of this section any appointed security dealer, may deposit to his credit in an account with a bank or with a correspondent in the United States or the United Kingdom, United States dollars or sterling respectively, received by the stockbroker or investment dealer from interest or dividends, pending settlements with clients therefor, or from the sale of securities, pending the reinvestment thereof, without declaring the possession or ownership of such United States dollars or sterling or the right thereto to an authorized dealer at the time of receipt.

(2) It is a condition of the operation of an account pursuant to this section that

- (a) the only deposits or credits to the account shall be United States dollars or sterling received or acquired by the stock broker or investment dealer or to which he becomes entitled from

**Foreign Exchange Control Act—continued**

- (i) interest or dividends on securities payable in United States dollars or sterling;
- (ii) commissions and other earnings received from a correspondent; and
- (iii) a sale of securities in accordance with a permit granted under section fifty-three;
- (b) unless specifically authorized by the Board the only payments or withdrawals from the account shall be for the purpose of
  - (i) making settlements due by the stockbroker or investment dealer to non-residents for United States dollars or sterling received on behalf of such non-residents;
  - (ii) investing United States dollars or sterling received by the stockbroker or investment dealer from a sale of securities in other securities in accordance with a permit or instructions of the Board to appointed security dealers; and
  - (iii) selling United States dollars or sterling on deposit in the account to an authorized dealer;
- (c) United States dollars or sterling on deposit in the account, or such part thereof as the Board may require, except amounts payable to non-residents, shall be offered for sale to an authorized dealer whenever the Board may require; and
- (d) the stockbroker or investment dealer shall submit to the Board such reports and evidence as the Board may require relating to transactions in connection with which the account is operated and of deposits to and withdrawals from the account.

**COMMERCIAL COMPANIES**

**75.** (1) A resident company, branch or firm whose business is primarily of a commercial nature may apply to the Board for a permit

- (a) to deposit to its credit in an account with a bank foreign currency received or acquired in the ordinary course of its business, without declaring the ownership or possession thereof or right thereto to an authorized dealer at the time of receipt, and to make or cause to be made payments from the account for the purposes of its business;
- (b) to record transactions with a non-resident parent, subsidiary or associated company or branch in an inter-company account on its books with a view to effecting inter-company settlements of net debits or credits; or
- (c) to reconcile payments received for exports of goods and payments made for imports of goods with the relative export and import permits granted pursuant to sections forty and forty-six in the aggregate in periodic reports to the Board.

(2) A permit granted under this section shall, for the purposes of these Regulations and instructions of the Board, be known as a BD permit and shall be identified by such number having the prefix BD as the Board may assign to it.

(3) It is a condition of every permit granted under this section for the operation of a foreign currency bank account referred to in paragraph (a) of subsection one that

- (a) the only deposits to the account shall be

**Foreign Exchange Control Act—continued**

- (i) payments in foreign currency received or acquired by the permit holder, or to which he becomes entitled, in the ordinary course of his business, excluding banknotes, coin and travellers' cheques; and
  - (ii) foreign currency bought by the permit holder from or through an authorized dealer for the purpose;
- (b) disbursements or withdrawals from the account may be made only
- (i) for the purpose of selling foreign currency on deposit in the account to an authorized dealer; and
  - (ii) for purposes specified in instructions of the Board as a condition of granting the permit; and
- (c) the permit holder shall from time to time or when required by the Board offer for sale to an authorized dealer the foreign currency on deposit in the account or such part thereof as the Board may require.
- (4) It is a condition of every permit granted under this section for the operation of an inter-company account referred to in paragraph (b) of subsection one that
- (a) the only transactions which may be recorded in the account shall be those specified by the Board as a condition of granting the permit; and
  - (b) the resident company, branch or firm shall from time to time or when required by the Board obtain payment from the non-resident parent, subsidiary or associate company or branch to the full amount of any net balance in its favour arising out of transactions recorded in the inter-company account in
    - (i) United States dollars or a convertible foreign currency;
    - (ii) sterling, a sterling area currency or Canadian currency paid from a deposit account with a bank in Canada of a resident of a sterling area or special arrangement country where the non-resident parent, subsidiary or associate company or branch is a resident of a sterling area country; or
    - (iii) Canadian currency paid from the deposit account with a bank in Canada of a resident of a special arrangement or sterling area country where the non-resident parent, subsidiary or associate company or branch is a resident of a special arrangement country;
 and the resident company, branch or firm shall offer any foreign currency so received or to which it becomes entitled for sale to an authorized dealer or deposit such foreign currency to its credit in a bank account maintained under a permit granted under this section.
- (5) It is a condition of every permit granted under this section that
- (a) the permit holder shall submit to the Board such reports and evidence as the Board may require relating to transactions by the permit holder to which the Act applies; and
  - (b) all declarations or applications made by the permit holder under the Act or these Regulations shall show the number of the permit holder's BD permit.



**Foreign Exchange Control Act—continued**

76. (1) A resident company or firm which is not the holder of a BD permit granted under section seventy-five and which desires to carry on business of a commercial nature outside Canada, otherwise than through a non-resident subsidiary, branch or agency, may apply to the Board for a permit to deposit to its credit in an account with a bank payments in foreign currency received or acquired in the course of such business, without declaring the ownership or possession thereof or the right thereto to an authorized dealer at the time of receipt, and to make or cause to be made payments from the account in connection with such business.

(2) A permit granted under this section shall, for the purposes of these Regulations and the instructions of the Board, be known as a Y permit and shall be identified by such number having the prefix Y as the Board may assign to it.

(3) It is a condition of every permit for the operation of a foreign currency bank account granted under this section that, unless otherwise specified by the Board,

- (a) the only deposits to the account shall be
  - (i) payments in foreign currency received or acquired by the permit holder, or to which he becomes entitled, in connection with business of a commercial nature carried on outside of Canada; and
  - (ii) foreign currency bought by the permit holder from or through an authorized dealer for the purpose;
- (b) disbursements or withdrawals from the account may be made only
  - (i) for the purpose of selling foreign currency on deposit in the account to an authorized dealer; and
  - (ii) for payments due by the permit holder in connection with its business outside Canada;
- (c) the permit holder shall from time to time or when required by the Board offer for sale to an authorized dealer the foreign currency on deposit in the account or such part thereof as the Board may require; and
- (d) the permit holder shall submit to the Board such reports and evidence as the Board may require relating to the business in connection with which the permit was granted and of deposits to and withdrawals from the account.

**SPECIAL RESIDENT CANADIAN DOLLAR BANK ACCOUNTS OF  
NON-RESIDENTS**

77. (1) A non-resident who ships goods into Canada on consignment in his own name or engages in other business transactions in Canada in such a manner that he is not deemed, under the Act and these Regulations, to be a resident with respect thereto, may apply to the Board through an authorized dealer for a permit to operate a special resident bank account with an authorized dealer in connection with such transactions.

(2) A permit granted under this section shall, for the purposes of these Regulations and the instructions of the Board, be known as an NS permit and shall be identified by such number having the prefix NS as the Board may assign to it and so long as the permit remains in force, the permit holder is deemed to be a resident with respect to his transactions in Canada under the permit.

**Foreign Exchange Control Act—continued**

(3) It is a condition of every permit granted under this section that, unless otherwise specified by the Board,

- (a) all sales by, contracts with and prices quoted by the permit holder to residents shall be for settlement in Canadian currency and all payments of Canadian currency received in connection with the business to which the permit relates shall be deposited to the permit holder's special resident bank account;
- (b) unless specially authorized by the Board, the only deposits made to the permit holder's special resident bank account shall be
  - (i) Canadian currency paid to the permit holder by residents;
  - (ii) the proceeds of United States dollars and sterling sold to an authorized dealer;
  - (iii) Canadian currency paid to the permit holder from a deposit account with a bank in Canada of a resident of a sterling area or special arrangement country in settlement for exports of goods from Canada or services rendered to a resident of a sterling area or special arrangement country;
- (c) all expenses of the permit holder in Canada and any sterling area country in connection with transactions to which the permit relates, including repayments of borrowings from banks in Canada, shall be paid out of the balance on deposit in the permit holder's special resident bank account;
- (d) the permit holder shall not in connection with his transactions in Canada sell foreign currency for Canadian currency otherwise than through an authorized dealer;
- (e) the permit holder shall submit to the Board such reports as the Board may require relating to the transactions in connection with which the permit was granted and of deposits to and withdrawals from the account;
- (f) the permit holder shall, where required by the Board, reconcile over an annual period, his reports to the Board with income tax returns filed by the permit holder under the Income Tax Act or shall satisfy the Board that he is not required to file such returns;
- (g) all applications pursuant to section forty-six for permits on Form E for the import of goods in connection with the business to which the permit granted under this section relates shall be made in the name of the permit holder or, if made in any other name, such Forms E shall be endorsed and delivered to the permit holder in accordance with subsection two of section forty-seven;
- (h) all applications pursuant to section forty for permits on Form B.13-B for the export of goods by or on behalf of the permit holder shall be made in the name of the permit holder; and
- (i) all declarations or applications made by the permit holder under the Act or these Regulations shall show the number of the permit holder's NS permit.

**RESIDENT UNITED STATES CITIZENS**

**78.** (1) An individual who is a resident and who is a citizen of the United States may apply to the Board for exemption from the provisions of the Act and these Regulations with respect to

- (a) the declaration to an authorized dealer of the ownership or possession of foreign currency or the right to payment thereof

**Foreign Exchange Control Act—continued**

and the sale to an authorized dealer of foreign currency received or acquired prior to the sixteenth day of September, one thousand nine hundred and thirty-nine, or the date on which the applicant became a resident, whichever is later, or received or acquired after that date otherwise than

- (i) from a resident;
  - (ii) from a sale of Canadian or Canadian foreign securities;
  - (iii) from a sale of goods exported or to be exported from Canada;
  - (iv) from a sale of property acquired from a resident subsequent to the fifteenth day of September, one thousand nine hundred and thirty-nine, or the date on which the applicant became a resident, whichever is later; or
  - (v) in the course of business carried on in Canada;
- (b) property physically situated elsewhere than in Canada owned prior to the sixteenth day of September, one thousand nine hundred and thirty-nine, or the date on which the applicant became a resident, whichever is later, or acquired subsequent to that date from a non-resident.

(2) An application for exemption pursuant to this section shall, if the Board so requires, be supported by a certificate of identity and registration of the applicant issued by a United States Consul in Canada and by a description of the property and source of the foreign currency for which exemption is sought.

- (3) No exemption granted to a resident under this section
- (a) applies to property beneficially owned by any other resident who has not been granted similar exemption;
  - (b) authorizes a resident to buy or sell foreign currency otherwise than as provided by the Act and these Regulations; or
  - (c) authorizes a resident to purchase, in Canada or elsewhere, any Canadian securities from or owned by a non-resident otherwise than as provided by the Act and these Regulations.

**GENERAL**

79. A person carrying on business who engages in transactions to which the Act applies, is not required, pursuant to subsection one of section forty-two of the Act, to keep records and books of account thereof at his place of business in Canada where he satisfies the Board that it is reasonable and proper that such records and books should be kept elsewhere and undertakes to make such records and books, and every account and voucher necessary to verify the information therein, available to an Inspector, if required by him to do so, at all reasonable times, and to give the Inspector every facility necessary to inspect the records, books, accounts and vouchers.

**Schedule I****SPECIAL ARRANGEMENT COUNTRIES**

Belgium, Luxembourg, the Belgian Congo and the Belgian mandated territory of Ruanda-Urundi  
 Czechoslovakia  
 Egypt and the Anglo-Egyptian Sudan  
 Metropolitan France (including the Saar territory, Corsica and Algeria)



**Foreign Exchange Control Act—continued**

Monaco, French West Africa, French Equatorial Africa, Madagascar and its dependencies, Reunion, French Guiana, Guadeloupe, Martinique, St. Pierre and Miquelon, French Establishments in India, Indo-China, New Caledonia, French Establishments in Oceania, the Condominium of the New Hebrides, the Protectorates of Morocco and Tunisia, the French mandated territories of the Cameroons and Togo  
 Netherlands, Indonesia, Netherlands Antilles and Surinam  
 Norway  
 Palestine and Transjordan  
 Sweden  
 Italy

**Schedule II**

STERLING AREA COUNTRIES

The United Kingdom  
 Any British Dominion and any other part of His Majesty's dominions, except Canada  
 Any territory in respect of which a trusteeship or mandate is being exercised by His Majesty's Government in the United Kingdom or the Government of any Dominion  
 Any British protectorate or British protected state  
 Burma  
 Iraq  
 Iceland  
 Ireland

**Schedule III**

SPECIAL AGENTS APPOINTED UNDER SECTION FIVE

*A. Express Companies*

American Express Company  
 Canadian National Railways  
 Canadian Pacific Express Company  
 Thos. Cook & Son Limited

*B. Savings Banks*

Banque d'Economie de Quebec, La  
 Province of Ontario Savings Office, The  
 Province of Alberta Treasury Branches

*C. Trust and Loan Companies*  
 (as listed in Schedule V)

**Schedule IV**

APPOINTED SECURITY DEALERS APPOINTED UNDER SECTION SIX

*A. Banks and Savings Banks*

Bank of Canada  
 Bank of Montreal  
 Bank of Nova Scotia, The  
 Bank of Toronto, The  
 Banque Canadienne Nationale, La

**Foreign Exchange Control Act—*continued***

Banque d'Economie de Québec, La  
Banque Provinciale du Canada, La  
Barclays Bank (Canada)  
Canadian Bank of Commerce, The  
Dominion Bank, The  
Imperial Bank of Canada  
Montreal City & District Savings Bank, The  
Province of Ontario Savings Office, The  
Royal Bank of Canada, The

*B. Trust and Loan Companies*  
(as listed in Schedule V)

*C. Active Members of Canadian Stock Exchanges and Investment Dealers' Association of Canada*

Adam & Co. Ltd.  
Ames & Co., A. E.  
Amos, Christie & Co.  
Anderson & Company  
Angus & Co.  
Auger & Company, G. A.  
Bain, Newling & Co.  
Bankers Bond Corporation Limited  
Barrett, Seguin & Co.  
Barry & McManamy  
Bartlett, Cayley and Co. Limited  
Beatty, Webster & Co. Limited  
Beaubien & Co., L. G.  
Belanger Inc.  
Belanger, Roger R.  
Bell, Gouinlock & Co. Limited  
Biggar & Crawford  
Bingham & Co. Ltd., Richard  
Bird & Co. Ltd., H. J.  
Bongard & Co.  
Boulet Limitee, J. C.  
Bousquet, J. P.  
Brault & Chaput  
Brawley, Cathers & Company  
Breckenridge, McDonald & Co.  
Brennan & Co. Limited, F. J.  
Brooks & Co., S. J.  
Bryson & Company, R. N.  
Búnnell, Hitchon Limited  
Burgess & Company, Charles H.  
Burleigh & Partners Limited  
Burnett & Co.  
Burn, Hambrook & Co.  
Burns Bros. & Co.

**Foreign Exchange Control Act—continued**

Burns Bros. & Denton Limited  
Campbell & Haliburton  
Canadian Alliance Corporation Limited  
Cannon & Co., J. P.  
Carlile & McCarthy Limited  
Casgrain & Co. Ltd.  
Cassels, Blaikie & Co.  
Castledine & Co. Limited, V.S.  
Charron & Co., C. B.  
Chisholm & Co., Hector M.  
Cleave, James  
Clement, Guimont, Inc.  
Clifford & Company, R. C.  
Cochran, Murray & Hay  
Cochran, Murray & Co. Limited  
Collier, Norris & Quinlan  
Continental Investment Corp. Ltd.  
Cornell, Macgillivray Limited  
Crabtree & Company Ltd.  
Crabtree & McLaughlin  
Craig, Ballantyne & Co.  
Crane & Company Limited, J. B.  
Crang & Co., J. H.  
Crawford & Co., F. J.  
Credit Anglo-Francais Limitee  
Credit Interprovincial Limitee  
Cross & Co. (Alta.) Ltd., Clifton C.  
Curry & Co. Limited, P. D.  
Daly Co. Limited, R. A.  
Dattels & Company Limited  
Davidson & Company  
Davidson & Co. Ltd.  
Davidson & Co. Limited, A. B.  
Dawson Limited, Dudley,  
Deacon & Co., F. H.  
Desjardins, Couture Inc.  
Dickson, Jolliffe & Co.  
Dobie & Co., Draper  
Doherty, Roadhouse & Co.  
Dominick Corporation of Canada  
Dominion Securities Corporation Limited, The  
Dube & Cie, Inc., Oscar  
Duggan Investments Ltd., D. M.  
Easson & Co., John M.  
Eastern Securities Company Limited  
Easton, Fisher & Co.  
Elphick Securities Ltd.  
Elves, F. A.  
Emard, H. Paul



**Foreign Exchange Control Act—continued**

Evans & Co. Ltd., H. M. E.  
Evans, Jenkin  
Fairbanks, Kirby & Co.  
Fairelough & Company Limited  
Fergusson & Co., G. Tower  
Fields & Co., C. C.  
Flemming & Company  
Flett & Company, A. B.  
Flood & Co.  
Forget & Co., L. J.  
Forget & Forget  
Fortier & Co.  
Frame, McFadyen & Co.  
Francis & Co., Jay L.  
Fraser, Dingman & Co.  
Fry & Company  
Fuller, E. H.  
Gairdner & Co., Limited  
Gairdner, Son & Company  
Gardiner, Wardrop, McBride Limited  
Gardiner, Watson & Co.  
Garipey, Gaston  
Garneau, Boulanger Limited  
Gelletly & Co. Ltd., R.  
Gendron Inc., J. T.  
Geoffrion, Robert & Gelinas  
Gibson, L. B.  
Gilbert, H. B. & Co. Ltd.  
Gillet & Strachan  
Goad & Co., J. L.  
Goulding, Rose & Company Limited  
Graham & Co., Limited, J. L.  
Graham & Co. Ltd., John  
Grassett & Co., J. E.  
Greenshields & Co.  
Grenier, Ruel & Cie., Inc.  
Grills & Co., T. O.  
Guildhall Securities Limited  
Hagar Investments Limited  
Hall Securities Ltd.  
Hamel, Fugere & Cie. Limitee  
Harcourt, Poupore & Co.  
Harris & Company, Goodwin  
Harris & Co. Limited, W. C.  
Harris, MacKeen, Goss & Co.  
Harrison & Company Limited  
Hevenor & Co.  
Hickey, Donaldson & Co.  
Hicks & Company, Ltd., L. W.  
Hickson, Leonard

**Foreign Exchange Control Act—continued**

Hickson, R. N.  
 Higginson & Ross  
 Hodgson & Co., C. J.  
 Housser & Co., H. B.  
 Houston, Willoughby & Co. Limited  
 Humber Ltd., H. A.  
 Intercity Securities Limited  
 Isard, Robertson & Co. Limited  
 Jackson, Allebone & Co.  
 Jackson & Co., C. L.  
 James, Copithorne & Birch Ltd.  
 Jennings, Petrie & Co. Limited  
 Johnston & Co., Grant  
 Jones, Heward & Co.  
 Jones, J. W. P.  
 Kamm, Garland & Co. Limited  
 Kaufman & Co., J. C.  
 Kerr & Co., F. W.  
 Kidder & Co., A. M.  
 King & Co., Charles  
 Kingstone & Mackenzie  
 Kippen & Company, Incorporated  
 Laflamme Limitee, J. E.  
 Laidlaw & Co.  
 Lajoie, Robitaille & Cie., Limitee  
 Lamont & Company  
 Latimer & Co., W. D.  
 Lauder Mercer & Company, Ltd.  
 Leclerc, Incorporee, Rene T.  
 Leggat & Company  
 Lennard & Co. Ltd., S. H.  
 Leslie & Co., Frank S.  
 Leslie & Co., G. E.  
 Letourneau Inc., P. E.  
 Lett & Co. Ltd.  
 Levesque, L. J.  
 Lightcap Securities Limited  
 Locke & Co. Ltd., Brian  
 Lynch & Co., G. S.  
 MacDougall & MacDougall  
 MacNames & Company Limited  
 Mack, H. M.  
 Mackay & Co., Hugh  
 Mackellar & Co., S. R.  
 Mackenzie & Kingman  
 MacKenzie, Ltd., D. F.  
 Mackintosh & Co. Limited, J. C.  
 Macleod, Riddell & Co.  
 Macrae & Company  
 Mactier & Co. Limited

**Foreign Exchange Control Act—continued**

Major & Company  
Marler & Co., J. L.  
Matthews & Company  
McBean & Young Limited  
McCuaig Bros. & Co.  
McDermid, Miller and McDermid Limited  
McDougald & Co., D. J.  
McDougall & Cowans  
McFetrick-Scarlett & Co.  
McGuckin & Co., R. J.  
Mckiee & Son, George J.  
McLaughlin & Company Ltd., E. B.  
McLeod, Young, Weir & Co. Limited  
McMahon and Burns Limited  
McNabb, A. M.  
McNeil, Mantha Inc.  
McTaggart, Hannaford, Birks & Gordon Limited  
Mead & Co. Limited  
Meggason & Co. Ltd., J. R.  
Melady, Sellers & Co. Limited  
Midland Securities Limited  
Mills, Spence & Co. Limited  
Milner, Ross & Co.  
Milner, Spence & Co.  
Mitchell & Co., W. G.  
Moat & Co., R.  
Molson & Co.  
Molson Securities Limited  
Monk, Gamble, Froats & Company  
Mooney & Co., J. R.  
Morgan, W. E.  
Moss, Lawson & Co.  
Nanson, Rothwell & Co. Ltd.  
Nay & James Limited  
Nelson & Company Ltd.  
Nesbitt, Thompson & Co. Limited  
Nicholson & Co., G. W.  
Nicol & Company, A. H.  
Norris Securities Limited  
O'Brien & Williams  
Odlum Brown Investments Ltd.  
Okanagan Investments Company Limited  
Oldfield, Kirby & Gardner, Ltd.  
Oliver & Co. Limited, C. M.  
Osler & Co., A. E.  
Osler & Hammond  
Osler, Hammond & Nanton  
Oswald & Drinkwater  
Pardoe & Co., Avern



**Foreign Exchange Control Act—continued**

Paterson & Co., Alex  
 Pemberton & Son Vancouver Limited  
 Pemberton & Son (Vancouver) Ltd.  
 Phillips, Leonard  
 Picard & Fleming  
 Pitfield & Company Limited, W. C.  
 Playfair & Co.  
 Pooler & Co., E. H.  
 Pyper, J. R.  
 Ramsay Securities Co. Ltd.  
 Read & Co., Thomas B.  
 Reeve & Co. Ltd., F. F.  
 Rennie & Co., G. H.  
 Richardson & Co., T. A.  
 Richardson & Sons, James  
 Rittenhouse & Co.  
 Robertson, Malone & Co.  
 Robertson & Morgan  
 Robinson, Douglas & Co. Limited  
 Rochon, Fernand  
 Rogers & Company Limited, J. C.  
 Rothschild & Co., L. F.  
 Royal Securities Corporation Limited  
 St. Onge & Fournier Inc.  
 Samis & Co. Ltd.  
 Sande, M.  
 Savard, Hodgson & Co. Inc.  
 Seagram & Co.  
 Shearson, Hammill & Co.  
 Skinner Co. Ltd., T. J. S.  
 Smith & Company Limited, Hart  
 Smith & Co. Ltd., Hugh H.  
 Smith Investments Ltd., Ralph M.  
 Smith, Thompson & Co.  
 Snowden and Company, J.  
 Societe de Placements Incorporee  
 Societe Generale de Finance Inc.  
 Speer, J. W.  
 Stanbury & Co. Limited  
 Stanton, Hatch & McCarthy  
 Steers and Company, R. D.  
 Stevens & Kilgour, Limited  
 Stewart & Co., D. E.  
 Stewart & Co. Limited, J. F. M.  
 Stewart, McNair & Co.  
 Stodgell & Company, S. J.  
 Streit, J. Bradley  
 Sydie, Sutherland & Driscoll Limited  
 Tanner & Co. Limited

**Foreign Exchange Control Act—continued**

Thomson & Co.  
Thomson & McKinnon  
Timmins & Co., J. R.  
Toole Peet Investments Ltd.  
Tryton Investment Co. Ltd.  
Victoria Securities Ltd.  
Walwyn, Fisher & Co. Limited  
Waterloo Bond Corporation Ltd.  
Watt & Watt  
West & Co., Louis J.  
Western City Company Limited, The  
White & Haldenby  
White & Co., J. B.  
Whittall Ltd., Ross  
Wiley, Low & Company Ltd.  
Wilkinson Investment Service, M. G.  
Williams & Co., G. C.  
Wills, Bickle & Co.  
Winslow & Winslow Limited  
Wisener and Company, Limited  
Wittichen's Ltd.  
Wolverton & Co. Ltd.  
Wood, Gundy & Co. Limited  
Yorkshire Securities Ltd.  
Yuile, H. B.

**Schedule V****TRUST AND LOAN COMPANIES REFERRED TO IN SECTION SEVEN**

Barclays Trust Company of Canada  
British Mortgage and Trust Corporation of Ontario, The  
Brockville Trust & Savings Company, The  
Canada Permanent Mortgage Corporation  
Canada Permanent Trust Company, The  
Canada Trust Company, The  
Central Trust Company of Canada, The  
Chartered Trust Company  
Credit Foncier Franco-Canadien  
Crown Trust Company  
Custodian Trust Company Limited  
Eastern Canada Savings & Loan Company  
Eastern Trust Company, The  
Grey & Bruce Trust & Savings Company, The  
Guaranty Trust Company of Canada  
Guardian Trust Company  
Guelph and Ontario Investment and Savings Society  
Huron and Erie Mortgage Corporation, The  
Industrial Mortgage & Trust Company, The

**Foreign Exchange Control Act—*continued***

Lambton Loan & Investment Company, The  
 Lambton Trust Company, Limited, The  
 London & Western Trusts Company, Limited, The  
 Montreal Trust Company  
 National Trust Company, Limited  
 Northern Trusts Company, The  
 Nova Scotia Savings, Loan and Building Society  
 Nova Scotia Trust Company, The  
 Ontario Loan and Debenture Company, The  
 Osler & Nanton Trust Company  
 Premier Trust Company, The  
 Prudential Trust Company, Limited  
 Royal Trust Company, The  
 Sherbrooke Trust Company  
 Societe d'Administration et de Fiducie  
 Sterling Trusts Corporation, The  
 Sun Trust Limited, The  
 Toronto General Trusts Corporation, The  
 Toronto Mortgage Company  
 Victoria Trust & Savings Company, The  
 Waterloo Trust & Savings Company, The  
 Western Trust Company, The

**Schedule VI**

LIFE INSURANCE COMPANIES REFERRED TO IN SECTION EIGHT

Aetna Life Insurance Company  
 Alliance Nationale  
 Caisse Nationale d'Assurance Vie  
 Canada Life Insurance Company, The  
 Commercial Life Assurance Company of Canada, The  
 Confederation Life Association  
 Connecticut General Life Insurance Company  
 Continental Assurance Company of Chicago  
 Continental Life Insurance Company, The  
 Crown Life Insurance Company, The  
 Dominion Life Assurance Company, The  
 Dominion of Canada General Insurance Company, The  
 Eaton Life Assurance Company, The T.  
 Empire Life Insurance Company, The  
 Equitable Life Assurance Society of the United States, The  
 Equitable Life Insurance Company of Canada, The  
 Excelsior Life Insurance Company, The  
 Fidelity Life Assurance Company  
 Great-West Life Assurance Company, The  
 Hancock Mutual Life Insurance Company, John  
 Imperial Life Assurance Company of Canada, The  
 Industrial Life Insurance Company, The  
 Laurentienne Life Assurance Company, La



**Foreign Exchange Control Act—continued**

London & Scottish Assurance Corporation Limited (England)  
 London Life Insurance Company, The  
 Loyal Protective Life Insurance Company  
 Manufacturers Life Insurance Company, The  
 Maritime Life Assurance Company, The  
 Metropolitan Life Insurance Company  
 Monarch Life Assurance Company, The  
 Montreal Life Insurance Company  
 Mutual Life and Citizens' Assurance Company, Ltd. Australia), The  
 Mutual Life Assurance Company of Canada, The  
 Mutual Life Insurance Company of New York, The  
 National Life Assurance Company of Canada, The  
 New York Life Insurance Company  
 North American Life and Casualty Company  
 North American Life Assurance Company  
 North British & Mercantile Insurance Company Limited (England)  
 Northern Life Assurance Company of Canada, The  
 Norwich Union Life Insurance Society  
 Occidental Life Insurance Company  
 Phoenix Assurance Company, Limited (England)  
 Prevoyants du Canada, Les  
 Provident Assurance Company, The  
 Prudential Assurance Company Limited of London, England, The  
 Prudential Insurance Company of America, The  
 Royal Guardians, The  
 Royal Insurance Company, Limited (England)  
 Sauvegarde Life Insurance Company, La  
 Sovereign Life Assurance Company of Canada, The  
 Standard Life Assurance Company (Scotland), The  
 Sun Life Assurance Company of Canada  
 Survivance Mutual Life Assurance Company, La  
 Toronto Mutual Life Insurance Company  
 Travelers Insurance Company, The  
 Union Mutual Life Insurance Company  
 Western Life Assurance Company, The

**Schedule VII**

## FORMS

- |              |                 |
|--------------|-----------------|
| (a) Form 107 | (i) Form DIV    |
| (b) Form CT  | (j) Form 20     |
| (c) Form C   | (k) Form 21     |
| (d) Form CFC | (l) Form B.13-B |
| (e) Form FT  | (m) Form E      |
| (f) Form F   | (n) Form H      |
| (g) Form FFC | (o) Form K      |
| (h) Form G   | (p) Form S      |

Form 167

CANADA—FOREIGN EXCHANGE CONTROL BOARD

**Application for Change of Status from Resident  
to Non-Resident for Foreign Exchange Control Purposes**

Name of Applicant.....

Address in full.....

Occupation..... Country and year of birth.....

Present nationality..... Marital status.....

(MARRIED, SINGLE, WIDOW, ETC.)

Members of family included in application:

Name	Age	Relationship	Present Nationality
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

If applicant is married and husband/wife not included in application, state reason:

Countries and approximate date of previous residence outside Canada (if any), excluding temporary visits, such as holidays, or military service:

Country of proposed future residence, full explanation of reasons for changing residence and proposed date of departure from Canada:

Name and address of authorized dealer (bank) through which application submitted:

I hereby apply to the Foreign Exchange Control Board for myself and on behalf of the members of my family listed above for change of status from resident to non-resident for foreign exchange control purposes and declare that the above statements are true and correct and that the schedule of assets on the back of this form is a true and complete statement of all assets and sources of income, both in Canada and elsewhere, in the possession, ownership or control of myself and of the other persons included in this application.

Dated at.....the.....day of.....19.....

(SIGNATURE OF WITNESS)

(SIGNATURE OF APPLICANT)

**NOTE:**

1. This application is to be submitted in duplicate to the applicant's authorized dealer (bank) which will forward one copy to the Board and retain the other for guidance in dealing with the assets disclosed, subject to whatever authority may be granted by the Board.
2. Members of the applicant's family who propose leaving Canada at the same time as the applicant may be included in the one application form, in which case details of the combined total assets of all must be given in the schedule on the back. If any individual member of the applicant's family has assets of more than \$5,000 under his own control, however, a separate form should be submitted.
3. If the application is being submitted for reasons of health a certificate of the applicant's physician is required on a special form which may be obtained from a bank or the Board.
4. Unless applicant is moving to another part of the British Empire the application if approved by the Board, will become effective only upon production to the applicant's authorized dealer (bank) of documentary evidence of permission to take up permanent residence in the country concerned, e.g. visa for permanent entry or permission to enter as returning citizen.

## STATUTORY ORDERS AND REGULATIONS

**SCHEDULE OF TOTAL ASSETS**

(INSERT "NIL" IN EACH SECTION FOR WHICH NO ASSETS ARE REPORTED)

	CANADIAN	FOREIGN
(a) Cash on hand:	\$	

(b) Bank Balances (Give name and address of each bank):	\$	
	\$	

## (c) Stocks and Bonds:

Description	Where and how held (e.g., held by bank in safe-keeping, or in safety deposit box or personal possession etc.)	Annual Income	Value
		\$	\$
		\$	
(When space does not permit complete listing prepare separate schedules and carry totals to this form).		\$	\$

## (d) Real Estate:

Description and location	Gross Value	Net Annual Income	Value of Equity
	\$	\$	
		\$	
	\$	\$	

## (e) Life Insurance:

Name of Company	Policy No.	Sum Assured	Cash Surrender Value
		\$	\$
		\$	
		\$	\$

## (f) Other Assets:

(Personal and household effects, tools, equipment, machinery, etc., and any income such as annuities, pensions, salary, income from trust funds, etc., not declared in sections (a) to (e) inclusive):

Description	Annual Income	Estimated Capital Value
	\$	\$
	\$	\$
<b>TOTAL VALUE OF ALL ASSETS</b>	\$	



To be prepared in duplicate. Forward original to Foreign Exchange Control Board, attached to statement on F.E.C.B. Form 60 at the end of each month.

TILL  
MONEY  
FORM

CT

Reference No.

BANK  
TRANSIT NO.

BRANCH  
TRANSIT NO.

SERIAL  
NO.

UNITED STATES CASH OFFERED FOR SALE

By.....  
(PRINT NAME AND ADDRESS PLAINLY)

CLASSIFICATION  
(MARK X IN APPROPRIATE SQUARE)

1. EXPORTS.....☐  
(GIVE PORT ENTRY NO. OF FORM B IF USED AND ATTACH IF  
PAYMENT COMPLETED)
2. GIFT. For travel in U.S.A. (if specially  
authorized by the Board) . . . . .☐
3. GIFTS (other than No. 2) . . . . .☐
4. SERVICES (salaries, commissions, etc.)☐
5. OFFSET.....☐  
(GIVE REFERENCE NO. OF OFFSETTING FORM F, IF USED)
6. UNUSED TRAVEL FUNDS . . . . .☐
7. OTHER (give brief details below) . . .☐

Amount of U. S. Cash \$.....

Premium at.....%

Canadian dollar equivalent \$.....

I/We declare the foregoing statements to be true  
and correct, and acknowledge receipt of the  
Canadian dollar equivalent mentioned.

.....  
(SIGNATURE OF DECLARANT)

.....  
(DATE) (TELLER'S STAMP OR OTHER IDENTIFYING  
STAMP OF AUTHORIZED DEALER)

PRINTED IN CANADA



## DECLARATION OF FOREIGN EXCHANGE OFFERED FOR SALE

REFERENCE NUMBER

MADE }  
THROUGH }  
(NAME AND ADDRESS OF AUTHORIZED DEALER)

FOREIGN  
EXCHANGE  
CONTROL  
BOARD  
FORM

C

BANK TRANSIT NO.	BRANCH TRANSIT NO.	SERI NO
---------------------	-----------------------	------------

PERMIT No. BD ..... NS .....

**A. NAME AND ADDRESS OF DECLARANT**  
(If non-resident give address in country of residence)

IF FORWARD CONTRACT  
DATE OF DELIVERY

RAYN

AMOUNT (IN FIGURES) OF  
U.S. DOLLARS OR STERLING

### B. AMOUNT OF FOREIGN EXCHANGE OFFERED

C. NAME AND ADDRESS OF PERSON  
FROM WHOM FOREIGN EXCHANGE RECEIVED

D. PURPOSE FOR WHICH FOREIGN EXCHANGE RECEIVED (Complete Section 1 or 2)

**\*1. PAYMENT FOR EXPORTS OF GOODS**  
(Also complete (a) or (b) marking "X" in appropriate square).

### KIND OF GOODS

COUNTRY OF DESTINATION

(a) ☐ GOODS FOR WHICH FORM B13-B STAMPED BY CANADA CUSTOMS HAS NOT BEEN OBTAINED

### APPROXIMATE

DATE OF SHIPMENT

(b) ☐ GOODS FOR WHICH FORM B13-B STAMPED BY CANADA CUSTOMS HAS BEEN OBTAINED AS FOLLOWS:  
(If more than one consignee or if space insufficient use back of form).

(i) ★★  
State if  
Full or  
Partial  
Payment  
(Mark "F"  
or "P")

(ii)

of Exit and  
entry No. of  
m B13-B

(iii)  
Total amount in  
foreign exchange a  
shown in Section E  
of Form B13-B

(iv)  
Amount in foreign  
exchange offered  
under this  
declaration

(v)

Where full payment, explanation of difference between amounts in columns (iii) and (iv)

**TOTALS**

**\*2. PAYMENT OTHER THAN FOR EXPORTS OF GOODS—**(If for an export of securities give Form K reference number if already obtained; if not, give approximate date of export. In all other cases give sufficient details to disclose nature of transaction and where a single receipt covers both capital and income, e.g. principal and interest, show here amount relating to each.)

**E. I/WE hereby declare the foregoing statements to be true and correct:**

**F. Special authorization from F.E.C.B.**

date.....

reference.....

**G. APPROVED ON BEHALF OF THE  
FOREIGN EXCHANGE CONTROL BOARD**

★ BD and NS Permit Holders should complete Section D, in accordance with special instructions issued to them by the Board.

★ ★ If full payment, the Authorized Dealer must attach copy of Form B13-B received from Customs to the original of this form which reaches the Board; if a partial payment amount must be endorsed on back of Form B13-B and latter held by Authorized Dealer until payment completed.





To be prepared in TRIPLICATE.

APPLICATION TO SELL FOREIGN EXCHANGE FOR FORWARD DELIVERY  
REFERENCE NUMBER

MADE THROUGH	.....	FOREIGN EXCHANGE CONTROL BOARD FORM	<b>CFC</b>	DATE	BRANCH	SERIAL
	NAME AND ADDRESS OF AUTHORIZED DEALER			TRANSIT NO.	TRANSIT NO.	NO.

PERMIT NO. BD. .... OTHER .....

A. NAME AND ADDRESS OF APPLICANT.

B. AMOUNT OF FOREIGN EXCHANGE OFFERED.

DATE OF DELIVERY OF EXCHANGE	RATE	AMOUNT (IN FIGURES) OF U.S. DOLLARS OR STERLING

C. DECLARATION TO BE SIGNED BY APPLICANT WHO IS NOT THE HOLDER OF A BD PERMIT.

I/We hereby declare in support of this application that:

1. The foreign exchange offered relates to an export of goods (under a sales contract already entered into) at a fixed or minimum price for a stated or minimum amount of goods exported or to be exported from Canada on terms providing for exportation, delivery, and payment not later than the date indicated in Section B above;
2. The foreign exchange offered is to be received from the persons, by the dates, in the amounts and for the goods as set out in the schedule in Section H on the reverse side hereof; and
3. The total amount of the currency hereby offered for sale does not exceed the net obligations owing to the undersigned in such currency as specified in Section J on the reverse side hereof.

D. DECLARATION TO BE SIGNED BY APPLICANT WHO IS THE HOLDER OF A BD PERMIT.

I/We hereby declare in support of this application that the foreign exchange offered hereunder, plus the total amount in the same currency already sold for forward delivery, does not exceed the net amount that is due to be received by us within the next three months; and that this application is otherwise in conformity with the provisions of the Notices and Instructions to BD Permit Holders.

E. TERMS AND CONDITIONS

It is a condition of this application and of any permit granted by an authorized dealer on behalf of the Foreign Exchange Control Board pursuant thereto that:

1. The application and approval shall constitute a firm contract on the part of the applicant to deliver, and, subject to par. 2 below, on the part of the authorized dealer to take delivery of, the foreign exchange on or before the stipulated date of delivery.
2. If the declarations made herein by the applicant are found to be incorrect, the Board may at any time revoke the permit granted pursuant thereto in which event the contract of the authorized dealer to buy the foreign exchange shall be terminated; and
3. In the event that the foreign exchange is not delivered by the applicant from the source mentioned on or before the stipulated date of delivery, he shall, if so required by the Board, buy an equivalent amount of the exchange from the authorized dealer at the official selling rate in force on that date and simultaneously deliver the exchange under his contract.

F Special authorization  
from F.E.C.B.

G. APPROVED ON BEHALF OF THE  
FOREIGN EXCHANGE CONTROL BOARD

Date .....

Reference .....

DATE OF APPROVAL OF FORM

STAMP AND SIGNATURE OF AUTHORIZED DEALER

NOTE: It is a condition of the approval of this application by the authorized dealer, either under his authority as contained in instructions or under special authorization from the Board, that the authorized dealer guarantees to the Board fulfilment of the contract of the applicant to deliver the exchange on or before the stipulated date of delivery. Deliveries under the contract are to be settled by the authorized dealer with the Board on Form No. F.E.C.B. 33, "Delivery against Forward Contract".

## H. SCHEDULE.

Name and Address of Person from whom Exchange to be Received	Amount to be Received	Latest Date Payment to be Received	Kind of Goods and Country of Destination	Form B13.B No. and Amount or latest date goods to be Shipped

**J. STATEMENT OF NET FOREIGN EXCHANGE COMMITMENTS IN CURRENCY OF THIS APPLICATION**  
(Where no amount enter NIL)

## 1. To receive

- (a) Amount to be received within next ninety days for exports already made or committed for .....
- (b) Exchange purchased by the applicant from authorized dealers for forward delivery within next ninety days.....

TOTAL.....

## 2. To pay

- (a) Definite obligations to pay for imports falling due within next ninety days.....
- (b) Exchange sold by the applicant to authorized dealers for forward delivery under contracts  
maturing within ninety days, excluding this application.....

TOTAL.....

3. Net amount to be received within ninety days.....

4. Amount of this application.....



To be prepared in duplicate. Forward original to Foreign Exchange Control Board, attached to statement on F.E.C.B. Form 60 at the end of the month.

TILL  
MONEY  
FORM

**FT**

Reference No. ....

BANK TRANSIT NO. BRANCH TRANSIT NO. SERIAL NO.

**APPLICATION FOR UNITED STATES CASH**

By .....

(PRINT NAME AND ADDRESS PLAINLY)

**PURPOSE**

(MARK X IN APPROPRIATE SQUARE)

1. IMPORTS ..... ☐  
(GIVE PORT ENTRY NO. OF FORM E IF USED AND ATTACH IF PAYMENT COMPLETED)
2. SERVICES (salaries, commissions, etc.) ..... ☐
3. TRAVEL ..... ☐  
(GIVE REFERENCE NO. OF FORM H.)
4. OFFSET ..... ☐  
(GIVE REFERENCE NO. OF OFFSETTING FORM C, IF USED)
5. OTHER (give details below) ..... ☐

Amount of U. S. Cash . . \$ .....

Premium at.....% .....

Canadian dollar equivalent \$ .....

1/We declare the foregoing to be true and correct.

.....  
(SIGNATURE OF APPLICANT)

**APPROVED ON BEHALF OF F.E.C.B.**

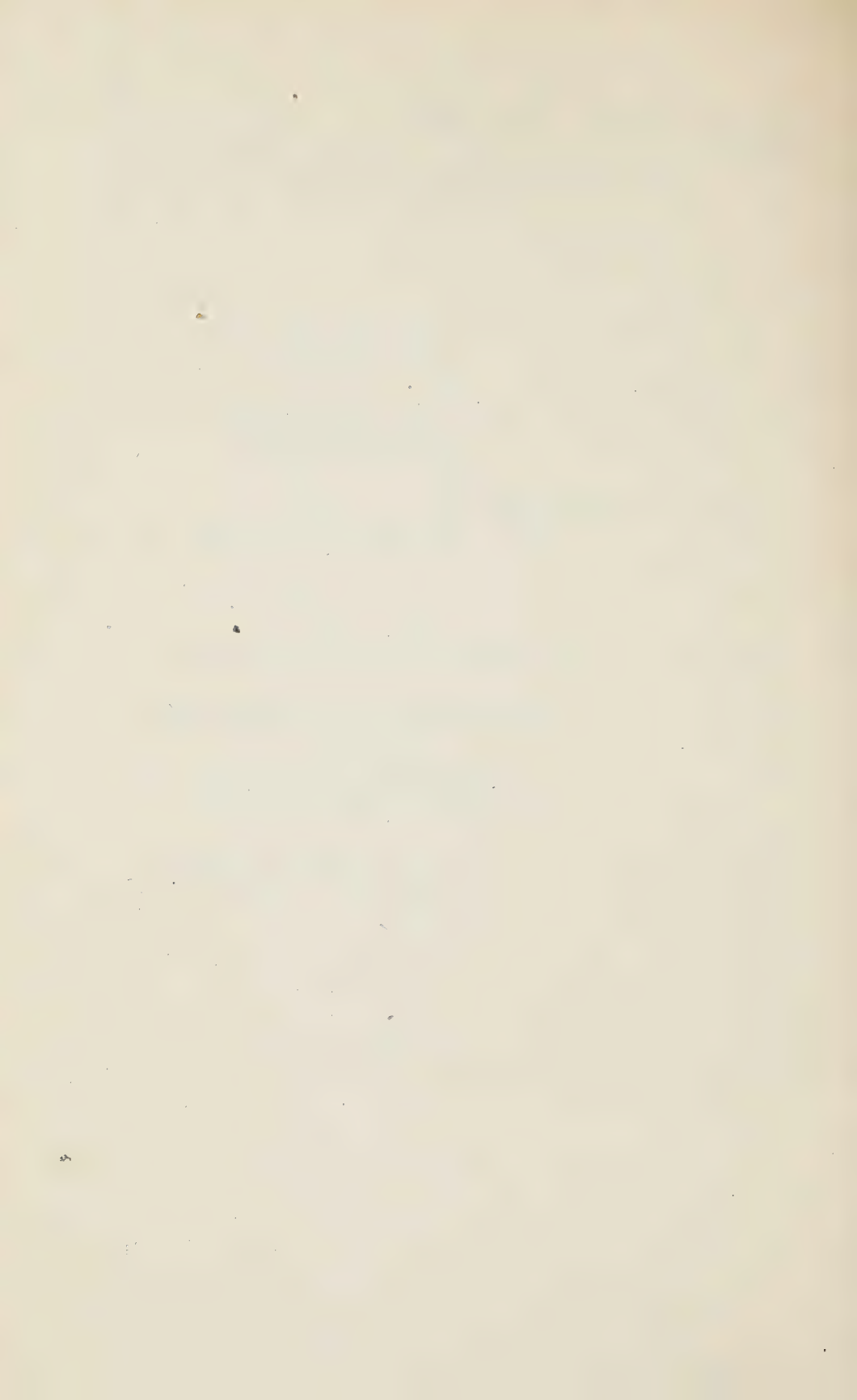
**SPECIAL AUTHORIZATION FROM F.E.C.B.**

Date..... Reference.....

F.E.C.B.—5TH PRINTING—11-48—PRINTED IN CANADA

.....  
(DATE)

.....  
(NAME AND SIGNATURE OF AUTHORIZED DEALER)



To be prepared in DUPLICATE (OR in TRIPLICATE if the applicant is a permit holder or otherwise requires a copy for his own use)

APPLICATION FOR FOREIGN EXCHANGE

MADE	} .....	FOREIGN EXCHANGE CONTROL BOARD FORM	F	REFERENCE NUMBER
THROUGH				BANK TRANSIT NO.

PERMIT NO. **BD** **NS**

A. NAME AND ADDRESS OF APPLICANT (If non-resident give address in country of residence)		IF FORWARD CONTRACT DATE OF DELIVERY		RATE	AMOUNT (IN FIGURES) OF U.S. DOLLARS OR STERLING
B. AMOUNT OF FOREIGN EXCHANGE REQUIRED					
C. NAME AND ADDRESS OF PERSON TO WHOM FOREIGN EXCHANGE TO BE PAID					
D. PURPOSE FOR WHICH FOREIGN EXCHANGE REQUIRED (Complete Section 1 or 2)					

**\*1. PAYMENT FOR IMPORTS OF GOODS**  
(Also complete either (a) or (b) marking "X" in appropriate square)

(a) <input type="checkbox"/> GOODS WHICH HAVE NOT BEEN CLEARED THROUGH CANADA CUSTOMS		LATEST DATE GOODS EXPECTED	
(b) <input type="checkbox"/> GOODS WHICH HAVE BEEN CLEARED THROUGH CANADA CUSTOMS AS FOLLOWS: (If more than one payee or if space insufficient use back of form)			
(i) *** State if Full or Partial Payment (Mark "F" or "P")	(ii) Port of Entry and Port Entry No. of Form E (If exempt from Form E state "E" Exempt***)	(iii) Invoice amount in currency of settlement shown on Form E or Customs Invoice	(iv) Amount paid under this application
		(v) Where full payment, explanation of difference between amounts in columns (iii) and (iv)	
TOTALS			

**2. PAYMENT FOR PURPOSE OTHER THAN IMPORTS OF GOODS**—(Give sufficient particulars to disclose nature of transaction and describe evidence, if any, submitted to Authorized Dealer.)

E. I/WE declare the foregoing statements to be true and correct and that no other application by me/us or on my/our behalf has been submitted for the purpose specified in Section D above.

DATE		SIGNATURE OF APPLICANT	
F. Special authorization from F.E.C.B.	G. APPROVED ON BEHALF OF THE FOREIGN EXCHANGE CONTROL BOARD		
date.....			
reference.....			
DATE OF APPROVAL OF FORM		STAMP AND SIGNATURE OF AUTHORIZED DEALER	

\* BD and NS Permit Holders should complete Section D.1 in accordance with special instructions issued to them by the Board.  
 \*\*\* If full payment Form E must be attached to the original of this form which reaches the Board; if a partial payment amount must be endorsed on back of Form E and latter held by Authorized Dealer until payment completed.  
 \*\*\* In "E Exempt" Customs Form E.46 or Customs Invoice must be submitted to Authorized Dealer; any number of payments to one payee for "E Exempt" Imports may be shown as one item.  
 9th Printing—9-47—Printed in Canada





To be prepared in TRIPLICATE.

APPLICATION TO BUY FOREIGN EXCHANGE FOR FORWARD DELIVERY

MADE THROUGH	{	NAME AND ADDRESS OF AUTHORIZED DEALER	FOREIGN EXCHANGE CONTROL BOARD FORM	FFC	REFERENCE NUMBER
					BANK TRANSIT NO.

PERMIT No. BD..... OTHER.....

A. NAME AND ADDRESS OF APPLICANT.

B. AMOUNT OF FOREIGN EXCHANGE REQUIRED.

DATE OF DELIVERY OF EXCHANGE (NOT TERM)	RATE	AMOUNT (IN FIGURES) OF U.S. DOLLARS OR STERLING

C. DECLARATION TO BE SIGNED BY APPLICANT WHO IS NOT THE HOLDER OF A BD PERMIT.

I/We hereby declare in support of this application that:

- The foreign exchange for which application is made herein is required for the payment (under a purchase contract already entered into) at a fixed or minimum price of a stated or minimum amount of goods imported or to be imported into Canada on terms providing for importation, delivery and payment not later than the date indicated in Section B above;
- The foreign exchange applied for is due to be paid to the suppliers by the dates, in the amounts and for the goods as set out in the schedule in Section H on the reverse hereof. Delivery of the exchange will be taken only when immediate payments to such suppliers for such goods are to be made in accordance with the terms of the contracts for the purchase of the goods; and
- The total amount of the currency hereby applied for does not exceed the net commitments of the undersigned in such currency as specified in Section J on the reverse hereof.

..... (DATE) ..... (AUTHORIZED SIGNATURE OF APPLICANT)

D. DECLARATION TO BE SIGNED BY APPLICANT WHO IS THE HOLDER OF A BD PERMIT.

I/We hereby declare in support of this application that the amount now held in our foreign currency account of the same currency for which application is made herein does not exceed our net commitments maturing within the next month; that the amount of such currency so held, plus the amount purchased for forward delivery, plus the amount covered by this application does not exceed our net commitments maturing within the next three months; and that the application is otherwise in conformity with the provisions of the Board's Notices and Instructions to BD Permit Holders.

..... (DATE) ..... (AUTHORIZED SIGNATURE OF APPLICANT)

E. TERMS AND CONDITIONS

It is a condition of this application and of any permit granted by an authorized dealer on behalf of the Foreign Exchange Control Board pursuant thereto that:

- The application and approval shall constitute a firm contract on the part of the applicant to take delivery of, and, subject to par. 2 below, on the part of the authorized dealer to deliver the foreign exchange on or before the stipulated date of delivery for the purposes mentioned;
- If the declarations made herein by the applicant are found to be incorrect, the Board may at any time revoke the permit granted pursuant thereto in which event the contract of the authorized dealer to deliver the foreign exchange shall be terminated; and
- In the event that the foreign exchange is not required by the applicant for the purposes mentioned on or before the stipulated date of delivery, he shall, if so required by the Board, take delivery thereof and simultaneously sell the exchange to the authorized dealer at the official buying rate in force on that date.

F. Special authorization from F.E.C.B.

G. APPROVED ON BEHALF OF THE  
FOREIGN EXCHANGE CONTROL BOARD

Date.....

Reference.....

DATE OF APPROVAL OF FORM

STAMP AND SIGNATURE OF AUTHORIZED DEALER

NOTE: It is a condition of the approval of this application by the authorized dealer, either under his authority as contained in instructions or under special authorization from the Board, that the authorized dealer guarantees to the Board fulfillment of the contract of the applicant to take delivery of the exchange on or before the stipulated date of delivery. Deliveries under this contract are to be settled by the authorized dealer with the Board on Form No. F.E.C.B. 34, "Delivery against Forward Contract".

## H. SCHEDULE.

Name and Address of Supplier	Amount to be Paid to Supplier	Date Payment to be made	Kind of Goods and Country of Origin	Form E No. and Amount or date goods expected

J. STATEMENT OF NET FOREIGN EXCHANGE COMMITMENTS IN CURRENCY OF THIS APPLICATION  
(Where no amount enter NIL)

## 1. To pay

- (a) Definite obligations of the type described in section C.1 on the reverse hereof, falling due within next ninety days.....
- (b) Exchange sold by the applicant to authorized dealers for forward delivery under contracts maturing within next ninety days.....

TOTAL.....

## 2. To receive

- (a) Amount to be received within next ninety days from exports already made or committed for.....
- (b) Exchange already purchased by the applicant from authorized dealers for forward delivery maturing within next ninety days excluding present application.....

TOTAL.....

3. Net amount owing within next ninety days.....

4. Amount of this application.....







CANADA

FOREIGN  
EXCHANGE  
CONTROL  
BOARD  
FORM

**DIV.**

Reference and Permit No.

Foreign Exchange Control Board

(TO BE INSERTED BY AUTHORIZED DEALER)

**APPLICATION TO PAY DIVIDENDS OR PROFITS WHERE ANY  
PORTION THEREOF IS RECEIVABLE BY A NON-RESIDENT  
OR TO PAY INTEREST TO A NON-RESIDENT ASSOCIATED COMPANY, HEAD OFFICE OR OWNER**

PLEASE COMPLETE EVERY ITEM BELOW AND SHOW ALL AMOUNTS IN CANADIAN DOLLARS

1. Name of company	
2. Address	
3. Nature of corporate structure (State Act under which the company is incorporated or whether it is a partnership, sole proprietorship or branch of a non-resident company)	
4. Name and Address of Authorized Dealer	
5. Date of financial year end	
6. Nature of payment (If payment of dividend, state class of shares, number outstanding and rate per share; if payment of interest, state period covered and particulars of obligation.)	
7. Date on which payment under this application is to be made.	
8. Name and address of, and amount payable to, non-resident parent company, majority shareholder, head-office, partners or owner.	Amount \$

9. Total amount and distribution of payment under this application (N.B. Gross amount before non-resident income tax or other deductions):

To Residents of Canada and Newfoundland	To NON-RESIDENTS				TOTAL PAYMENT
	United States	United Kingdom	Other	Total to non-residents	

10. SEE REVERSE FOR FINANCIAL DATA WHICH IS TO ACCOMPANY THIS APPLICATION IN CERTAIN CASES

11. CERTIFICATE OF APPLICANT:

I, ..... on behalf of the above named company do hereby certify that this report and the statements and schedules attached hereto are to the best of my knowledge and belief true and correct in every respect and are in agreement with the company's books of account and other records.

Dated .....

Signature of an authorized official of the company

Position or rank of official

12. APPROVED FOR PAYMENT WITHIN 30 DAYS OF DATE IN ITEM 7 ABOVE

On behalf of Foreign Exchange Control Board:

## INSTRUCTIONS

1. An application on this form is to be made by
  - (a) a resident company wishing to pay a dividend on any class of its capital stock, any of which is owned by a non-resident other than a resident of Newfoundland;
  - (b) a resident branch, partnership or unincorporated business wishing to pay any profits to a non-resident head office, partner or owner, including a payment of salary, wages or commissions; and
  - (c) a resident company, branch, partnership or unincorporated business wishing to make any payment of interest, (except on securities issued and offered for public subscription) to a non-resident parent, affiliated or associated company, head office, partner or owner.
2. The form is to be completed in triplicate and submitted to an authorized dealer who will insert a reference and permit number.
3. Except where the total amount of dividends, profits or interest
  - (a) paid or to be paid to non-residents in the applicant's current financial year does not exceed \$1,000; or
  - (b) to be paid to non-residents is less than 50% of the total amount to be paid to both residents and non-residents in the case of dividends on capital stock which has been and is publicly issued and, in other cases, is less than 25%the application is to be made 30 days in advance of the proposed date of payment and, unless already furnished to the Board, is to be supported by
  - (i) annual financial statements for the applicant's financial years ending on or after the 30th day of June, 1939, reported upon by its auditors, if any, or otherwise certified to be a responsible official;
  - (ii) a statement reconciling the net profits as shown by the financial statements referred to in paragraph (a) above, with taxable income as assessed under the Income War Tax Act, or as reported if not yet assessed;
  - (iii) a statement indicating the calculation of the tax exigible or the provision made for the tax liability of the applicant under the Excess Profits Tax Act, 1940, as amended; and
  - (iv) if the Board so requests, interim financial statements, certified to by a responsible official of the applicant, for a period subsequent to the end of the applicant's latest financial year.

**Note:** Only one copy is required of the statements described in this paragraph.

4. In cases where the authorized dealer may approve the application in accordance with instructions of the Board, the original is to be sent to the Board, the duplicate returned to the applicant, and the triplicate retained by the authorized dealer. In other cases the application is to be referred to the Board and, if it is approved by the Board, the duplicate and triplicate will be returned to the authorized dealer who is to deliver one copy to the applicant.
5. When an application on this form is approved by an authorized dealer or the Board, any cheque or other instrument issued for the payments so approved shall, unless otherwise specified by the Board, be marked as follows:
  - (a) "RES (serial number of permit)" where the instrument is expressed to be payable to a resident and there is no address on the instrument to indicate that the shareholder is a non-resident; and
  - (b) "FECB DIV (serial number of permit)" where
    - (i) the payee is a non-resident whose address elsewhere than in Canada or Newfoundland is shown on the instrument; or
    - (ii) the instrument is expressed to be payable to a resident for account of a non-resident or to a non-resident in care of an address in Canada or Newfoundland and the country of residence of the non-resident is indicated on the instrument.

F.E.C.S. FORM 20

CANADA—FOREIGN EXCHANGE CONTROL BOARD

**APPLICATION FOR WITHDRAWAL OF PROFITS OF CANADIAN BRANCH  
OF A FOREIGN LIFE INSURANCE COMPANY OR FRATERNAL  
BENEFIT SOCIETY FOR YEAR 19.....**

Company:.....

Address:.....

1. Total Income in Canada . . . . .	\$ .....
2. Non-ledger Assets in Canada at end of year . . . . .	\$ .....
3. Sum of Items 1 and 2 . . . . .	\$ .....
4. Total Disbursements in Canada . . . . .	\$ .....
5. Non-ledger Assets in Canada at beginning of year . . . . .	\$ .....
6. Sums of Items 4 and 5 . . . . .	\$ .....
7. Excess of Item 3 over Item 6 . . . . .	\$ .....
8. Total Liabilities in Canada at end of year . . . . .	\$ .....
9. Total Liabilities in Canada at beginning of year . . . . .	\$ .....
10. Increase in Total Liabilities in Canada (Item 8 less Item 9) . . . . .	\$ .....
11. Excess of Item 7 over Item 10 . . . . .	\$ .....
12. Ten per cent (10%) of Item 10 . . . . .	\$ .....
13. PROFITS (Item 11 less Item 12) . . . . .	\$ .....

(NOTE: The amounts shown above must agree with the amounts shown in the corresponding items in the annual report to the Department of Insurance, Ottawa.)

We hereby apply for a permit to withdraw profits amounting to \$.....

- (a) ☐ in Canadian dollars;
- (b) ☐ by buying United States dollars;
- (c) ☐ by buying sterling; or
- (d) ☐ in the form of securities (Describe fully overleaf)

through.....

.....  
(NAME AND ADDRESS OF AUTHORIZED DEALER)

I hereby certify to the best of my knowledge and belief that the business in Canada of the company has been conducted during the period covered by this application, in accordance with Foreign Exchange Control Regulations and that the statements herein are true and correct.

Date.....

(Signed).....

CHIEF AGENT IN CANADA





CANADA—FOREIGN EXCHANGE CONTROL BOARD

**APPLICATION FOR WITHDRAWAL OF PROFITS OF CANADIAN  
BRANCH OF A FOREIGN OTHER THAN LIFE INSURANCE COMPANY  
FOR YEAR 19.....**

Company: .....

Address: .....

1. Net admitted assets in Canada at end of year, . . . . . \$ .....
2. Total liabilities in Canada at end of year . . . . . \$ .....
3. Excess of net admitted assets over total liabilities (Item 1 less than 2) . . . . . \$ .....
4. Reserve of unearned premiums (80% basis) at end of year . . . . . \$ .....
5. Underwriting profit in Canada for year . . . . . \$ .....
6. Interest and dividends deposited in resident bank account during year . . . . . \$ .....
7. Underwriting profit plus interest and dividends (Item 5 plus Item 6) . . . . . \$ .....
8. Deduction required  
(25% of Item 7 where Item 3 is less than Item 4; otherwise, no deduction) . . . . . \$ .....
9. PROFIT (Item 7 less Item 8) . . . . . \$ .....

(NOTE: The amounts shown above must agree with the amounts shown in the corresponding items in the annual report to the Department of Insurance, Ottawa.)

We hereby apply for a permit to withdraw profits amounting to \$.....

- (a) ☐ in Canadian dollars;
- (b) ☐ by buying United States dollars;
- (c) ☐ by buying sterling; or
- (d) ☐ in the form of securities (Describe fully overleaf)

through .....

(NAME AND ADDRESS OF AUTHORIZED DEALER)

I hereby certify to the best of my knowledge and belief that the business in Canada of the company has been conducted during the period covered by this application, in accordance with Foreign Exchange Control Regulations and that the statements herein are true and correct.

Date .....

(Signed) .....

CHIEF AGENT IN CANADA







## FORM B. 13 (CUSTOMS) combined with FORM B (F.E.C.B.)

## FOR USE OF AUTHORIZED DEALERS

## PARTICULARS OF PAYMENT.

DATE	AMOUNT RELATING TO THIS EXPORT APPLIED ON FORM C, CT OR D. (OMIT CENTS)	DESCRIPTION OF FORM	
		C, CT OR D	REFERENCE NO. AMOUNT
Partial payment or only payment			
Partial payment . . . . .			
" " . . . . .			
" " . . . . .			
" " . . . . .			
" " . . . . .			
Total of partial payments			

## INSTRUCTIONS AND CONDITIONS

1. This form when completed by the owner of the goods or his agent and stamped and signed by the Collector of Customs is a Customs export entry and, subject to the Foreign Exchange Control Act and Regulations, is a permit from the Foreign Exchange Control Board for the export of such goods from Canada. (For exports of securities, the Board's Form K is to be used.)

2. This form, completed in the number of copies required, shall be delivered to the carrier accepting the shipment for export, one set per carload or lesser shipment to a single consignee except as provided for in paragraph 5 (d). The carrier will hand the complete set to the Collector at the last port in Canada through which goods for exportation pass outwards for places beyond the limits of Canada when exported by land, and at the port where laden on the exporting ship or aircraft when exported by water or air, each such port being herein designated as "the port of exit from Canada". It is most important to have this form furnished and firmly attached to the way-bill from inland places in order to avoid the necessity for detention and side-tracking of the goods at the frontier awaiting delivery of this form to the Canadian Customs-Excise Officer.

3. When goods for exportation arrive at the frontier unaccompanied by this form the Collector is to report the facts to the Deputy Minister of National Revenue, Customs and Excise, and state particularly the place of lading, in order that the neglect to forward this form may be traced to the proper railway agent, and that the manager of the railway may be notified through the Department of National Revenue of such irregularity and neglect.

4. This form must be signed by the owner of the goods or his agent (who may also be the railway agent) and is not required to be attested.

5. (a) If the goods are to be exported to Newfoundland at least three copies of the form must be submitted to the Collector.

(b) If the owner of goods to be exported to a country other than Newfoundland is the holder of a Foreign Exchange Control Board permit BD, or NS, he must insert the prefix letters and number of such permit in space 1 at the top of the form. In this case at least four copies of the form must be submitted to the Collector.

(c) If the owner of goods to be exported to a country other than Newfoundland is not a BD or NS permit holder he must insert the name and address of his Authorized Dealer (Canadian bank and branch) in space 2 at the top of the form. In this case, he must complete at least five copies of the form.

(d) When goods are exported by rail, water or air and the Collector at the port of exit from Canada is satisfied that it is impossible for this form to be completed in all particulars and handed to the carrier at the point of lading along with transportation documents covering export from Canada, this form may be submitted in duplicate as a temporary export entry, one set per carload or lesser shipment. Where the form is used in this way, Item 3 at the top of the form, Sections A to J inclusive, and S (b), are to be completed. The quantity in Column J, where more than one carload is concerned, may be entered as the total of the shipment divided by the number of cars. An estimated value at point of lading should be entered in Column K or L. The Collector of Customs at the port of exit will not number these forms but will stamp and return one copy to the owner of the goods and hold the original for substitution within six days of the date of entry by completed sets of forms, one set per consignee, for exports in any one day or by any one ship, as specified in paragraphs 5 (b) and 5 (c) above.

6. The Canadian dollar values entered in columns K and L must not include any freight, insurance, handling or other charges included in the selling price. (For conversion of other currencies into Canadian dollars, see Customs Memo D No. 106.) It should be noted that column K should be used when the goods for exportation are classed as "domestic products", and column L when they are "foreign or imported products". If column L is applicable, the country of origin of the goods exported should be shown in the space provided at the foot of the column. The following points should be noted:

(a) Goods exported from a Customs bonded warehouse are to be reported on this form, the Canadian dollar value less charges being shown in column L. The form is to be marked at the top: "ex-warehouse for statistics".

(b) Goods exported from an excise warehouse are to be reported on this form, the Canadian dollar value less charges being shown in column K. The form is to be marked at the top: "ex-warehouse for statistics".

(c) This form is required for coin or bullion exported.

7. The kinds of currency which may be accepted for exports to different countries are specifically covered by the Foreign Exchange Control Act and Regulations and full information thereon may be obtained from the Board or from banks. Care should be taken to ensure that the Board's requirements in this respect are met before completing the form and signing the certificate in Section S.

If payment of the full value of the goods has been, or will be, received in accordance with the Board's requirements Section N should be completed. Where payment is to be received in foreign exchange the relative amounts in the appropriate currency should be shown in Column 1 and the Canadian dollar equivalent of these amounts should be shown in Column 2. Where such payment is to be received in Canadian dollars, only Column 2 should be completed.

Unless payment of the full value of the goods has been, or will be, received in accordance with the Foreign Exchange Control Act and Regulations Section O must be completed instead of Section N and in that event the approval of an authorized dealer (Canadian branch bank) or of the Board in Section P is usually necessary. Examples of cases in which no special approval is required are:—

(a) Exports to Newfoundland;

(b) Exports of gifts to a value not exceeding \$100 per shipment; and

(c) Exports of goods purchased by a non-resident tourist while in Canada as bona-fide tourist purchases which are shipped to the non-resident tourist by the Canadian vendor of the goods; in such a case the form must be marked "bona-fide tourist purchase".

8. It should be noted particularly:

(a) That a "general" entry is not acceptable in which the shipments of several shippers to the same consignee are "bulked" together without specifying the particulars of each shipment and the name of the owner in each instance; and

(b) That when drawback of customs duty is claimed an extra copy or copies of this form marked "subject to drawback", should accompany the goods to the frontier port of exit.

9. No charge will be made by Customs officers for the certification of extra copies of this form required for drawback, sales tax or other purposes provided that such extra copies are submitted to the Collector along with the set of forms filed at the time of export.

ITEM #TG—12.46—PRINTED IN CANADA

## NOTICE TO AUTHORIZED DEALERS

Where this form is submitted to an Authorized Dealer in support of an application for exchange (except in cases where the application at the bottom of this form may be used) or pay Canadian dollars to a non-resident, particulars of the payment are to be noted below and this form is then to be forwarded to the Board in accordance with standing instructions. (Note particularly that where a single Form F or a single Form G does not complete the payments to be made for the goods, the partial payments are to be identified as such and this form is to be retained by the Authorized Dealer until final payment).

PARTICULARS OF FOREIGN EXCHANGE SOLD OR PAYMENTS AUTHORIZED IN CANADIAN DOLLARS						
	(a)	(b)	(c)		(d)	
	Date of payment	Amount relating to this Form E (indicate kind of currency)	If foreign exchange description of Form F (If Form FT so state)		If Canadian \$ description of Form G	
			Reference No.	Amount	Reference No.	Amount
Partial payment or only payment						
Partial Payment						
" "						
" "						
" "						
Total of Partial Payments			If this total does not agree with amount shown in item A on the front of this form, an explanation of the difference should be given on the Form F or G which covers final payment.			

## FORM E — INSTRUCTIONS AND CONDITIONS

1. This form is to be used in connection with every importation into Canada of goods which are entered at Customs on Customs entry form B.1, B.5 or B.11, except

- (a) goods shipped to Canada direct from, or originating in, Newfoundland;
- (b) periodical publications; and
- (c) for an amending or a perfecting entry.

2. The same particulars are to be given on this form as on the set of Customs Import Entry forms B.1, B.5 or B.11, which it accompanies, except that the affidavits on the back of the Customs forms are not necessary. The form is designed so that it may, if desired, be completed as a carbon copy of Customs form B.1, B.5 or B.11, in which case it is to be inserted as the third copy in the set. In addition the importer must show in the space provided either (1) the number of his BD or NS permit, if any, or (2) if the importer does not hold such permit he must show the name and full address of his Authorized Dealer (Canadian branch bank).

3. This form is to be signed by the importer or his attorney in the space provided and submitted (as a single copy only) to the Collector of Customs and Excise along with the usual number of copies of Customs form B.1, B.5 or B.11. When Customs entry is passed, the Collector will sign, number, and port date the form and return it to the importer for use in support of an application to his Authorized Dealer for foreign exchange or to pay Canadian dollars to a non-resident in settlement for the goods.

*A Collector may not certify in any way any Form E other than the original form presented at the time of accepting the relative import entry and it is therefore important that the form be carefully preserved for use for this purpose.*

NOTE: Signature of this application by the importer or his attorney constitutes a declaration to the Board and to the Collector of Customs and Excise at the port or outport in question that all the particulars and information given are true and correct.

3. If the importer named in the form has bought the imported goods from a resident of Canada who will be making payment to a non-resident supplier of the goods, the importer, after receiving the form back from Customs, should fill in the following particulars and deliver the form to his resident vendor. (The expression "resident of Canada" includes a non-resident operating a special resident bank account in Canada under permit from the Board).

Resident vendor is (name and address) .....

who holds (here give number of his BD or NS permit, if any) .....

or whose Authorized Dealer is (name and full address) .....

(Signature of importer)

Where this form is surrendered to an Authorized Dealer in support of an application for foreign exchange representing full payment for the goods imported, the sale of exchange may be recorded below, in which case no Form F covering the sale is required. When this is done this Form E is to be sent to the Authorized Dealer's head office for settlement with the Board.

## APPLICATION FOR FOREIGN EXCHANGE IN FULL SETTLEMENT OF IMPORT MADE HEREON

A. Name and address of person to whom foreign exchange to be paid		B. Rate	Amount of U.S. dollars or sterling
C. If amount paid differs from amount in Section A on face of form, explain here		D. Name, address (print or write legibly) and signature of applicant.	
For use by Authorized Dealer's Head Office	NOTES: Payment for charges on the import may be included in this application. If so, explain in Section C. This form of application is not to be used where payment is being made in Canadian dollars.	E. Approved on Behalf of F.E.C.B.	
	Date	Stamp and signature of Authorized Dealer	



# TRAVEL PERMIT

NOTE CONDITIONS ON BACK

NOTE CONDITIONS ON BACK

**FOREIGN  
EXCHANGE  
CONTROL  
BOARD  
FORM**

H

REFERENCE No.

**SURNAME (FAMILY NAME)**

*Print in block letters*

CHRISTIAN NAME (GIVEN NAME) IN FULL

[illegible]

MR.									
MRS.									
MISS									

**ADDRESS (IN FULL)**

## OCCUPATION

- A.** I hereby apply to the Foreign Exchange Control Board to take with me out of Canada bank notes, coin and travellers' cheques up to the amounts specified.  
(If none, mark "nil" in appropriate spaces)

- B.** Estimated number of days outside Canada and date of departure.

- C. Means of transportation from Canada**

- ### D. Destination

## CASH AND TRAVELLERS' CHEQUES

Canadian funds..... \$.....

U.S. funds.....	\$.....
-----------------	---------

Sterling.....£.....

Other currencies.....	.....
-----------------------	-------

No. OF DAYS

DATE \_\_\_\_\_

Train ☐ Bus ☐ Plane ☐ Auto ☐ Other ☐

### E. Reason for journey

1. ☐ **BUSINESS**—APPLICANT'S EMPLOYER TO SIGN FOLLOWING DECLARATION  
I/We certify that the applicant is a regular employee of the undersigned and that the trip described herein is being undertaken solely in my/our business interests.

Name and authorized

signature of employer.....

2. ☐ HEALTH } TO BE COMPLETED ONLY WHEN APPLICATION SPECIALLY  
3. ☐ EDUCATION } AUTHORIZED BY F.E.C.B. FOR PURPOSE INDICATED.

4. ☐ OTHER

I DECLARE THAT THE TOTAL AMOUNT OF ANY U.S. DOLLARS OBTAINED BY ME FOR TRIPS COVERED BY THIS AND ALL OTHER PERMITS ON FORM H (EXCEPT THOSE FOR BUSINESS TRAVEL) SINCE..... IS NOT MORE THAN \$150.

Signature of applicant.....

- F. I declare the above information to be true and correct and that no other application by me or on my behalf has been made in connection with this trip.**

Date..... Signature  
of applicant

- G. SPECIAL AUTHORIZATION FROM F.E.C.B.**

- H. APPROVED FOR DEPARTURE BY.....**  
(SEE INSTRUCTION 3 ON BACK)

DATE \_\_\_\_\_

REF.

.....  
(DATE)

(NAME AND AUTHORIZED SIGNATURE)



**HAVE YOU  
READ THIS?**

### CONDITIONS OF PERMIT

1. Unless otherwise specified, no expenditures may be made outside Canada in connection with the journey for which this permit is issued, **except to meet reasonable travelling and personal expenses of the traveller for a temporary sojourn outside Canada** (including ordinary tourist purchases which are eligible for importation into Canada).

2. **Any Canadian or foreign currency or travellers' cheques remaining in the traveller's possession at the end of the journey must be brought back to Canada on his return and, in the case of foreign currency and travellers' cheques, sold to an authorized dealer.**

3. **No debts or obligations may be incurred to any non-resident** for purposes incidental to the journey except those which will be paid with foreign currency bought from an authorized dealer or special agent of the Board for the purpose or with the currency and travellers' cheques authorized for export under this permit.

4. **United States dollars may not be used to meet expenditures in a sterling area country.**

### FORM H — INSTRUCTIONS

1. Subject to certain exemptions a permit on this form is required by every resident of Canada and Newfoundland who desires to leave Canada taking more than \$10 in foreign bank notes and coin and travellers' cheques or more than a combined total of \$25 in Canadian and foreign cash and travellers' cheques.

2. The form is to be completed in duplicate and submitted by the applicant to his Authorized Dealer (i.e. bank) or Special Agent of the Board who may deal with the application if it is within his authority to do so in accordance with the Regulations or Instructions of the Board or who will otherwise refer it to the Board.

3. The Authorized Dealer or Special Agent must when approving the form fill in the date up to which the form is valid for departure from Canada. This date shall be not more than two weeks after the date on which the application is approved unless the applicant is re-entering Canada temporarily on his journey, in which case the validity date shall be not more than two weeks after the date on which the application is approved plus the time between the applicant's first and final exit from Canada.

4. If an authorized Dealer or Special Agent approves the application or receives it back from the Board after approval by the Board, he will furnish one copy to the applicant and forward the duplicate to the Board at Ottawa.

5. The applicant must surrender his copy of the form to a Canadian Customs officer at the time of leaving Canada. If the trip involves entering Canada temporarily, either going or returning, or if the travel is in transit between two points in Canada and the traveller will return through the United States, the Authorized Dealer or Special Agent should mark the Form H "Valid for return trip". The Customs Officer at each port of exit from Canada should stamp the permit and it should be surrendered to the Customs Officer at the final port of exit from Canada.

6. The Customs Officer to whom the form is surrendered will stamp it and forward it direct to the Board at Ottawa.

**J. TO BE STAMPED BY CUSTOMS OFFICER AT FIRST PORT OF EXIT WHEN TRAVELLER IS TO RE-ENTER CANADA TEMPORARILY ON JOURNEY.**

**TO BE STAMPED BY CUSTOMS OFFICER AT LAST OR ONLY PORT OF EXIT AND FORM TO BE SURRENDERED.**

PORT DATING STAMP

PORT DATING STAMP

See Instructions on Back

**APPLICATION FOR PERMIT TO SELL, ASSIGN, TRANSFER OR DELIVER  
SECURITIES TO A NON-RESIDENT AND/OR TO EXPORT SECURITIES**

Name and Address  
of Applicant's  
Authorized Dealer.

FOREIGN  
EXCHANGE  
CONTROL  
BOARD  
FORM

**K**

REFERENCE NO.

(TO BE INSERTED WHEN FORM APPROVED)

A. NAME AND ADDRESS OF APPLICANT

B. NAME AND ADDRESS OF OWNER OF SECURITIES.  
(If owner is applicant, insert "Same as applicant.")

C. NAME AND ADDRESS OF PERSON TO WHOM  
SECURITIES TO BE SOLD, ASSIGNED,  
TRANSFERRED, DELIVERED AND/OR EXPORTED

D. DESCRIPTION OF SECURITIES WHICH NON-RESIDENT IS ACQUIRING

Par value of bonds or number of shares	DESCRIPTION (To include certificate numbers where counter value in money or other securities not being obtained)	*Price per Unit	*Value

E. PURPOSE OF TRANSACTION (check appropriate square and insert required information at right)

- (1) ☐ Outright sale to non-resident. State amount and currency of payment and date of receipt.
- (2) ☐ Sale to non-resident against debit balance. State amount and debit balance prior to sale.
- (3) ☐ Resident exchange of securities outside Canada. Describe securities acquired in exchange and state cost thereof.
- (4) ☐ Non-resident exchange of securities in Canada. Describe securities sold in exchange and state value thereof. Give amount and Form G reference number of any permitted balance paid to, or to bank account in name of, non-resident.
- (5) ☐ Export only — Give number of previous Form K.
- (6) ☐ Other. Give full details.

F. I/WE hereby declare the foregoing statements to be true and correct and that no other application has been approved and/or submitted by me/us or on my/our behalf in connection with the transaction described herein.

G. WE CERTIFY RECEIPT OF:

- ..... Foreign exchange sold to authorized dealer on Form C No. ....
- ..... Foreign exchange held pending re-investment
- \$ ..... Can. from non-resident purchaser
- ☐ Incoming securities as described in E above.

H. APPROVED ON BEHALF OF F.E.C.B. FOR COMPLETION  
WITHIN ONE MONTH FROM DATE.

J. SPECIAL AUTHORIZATION FROM F.E.C.B.

Date..... Reference.....

STAMP AND SIGNATURE OF APPOINTED SECURITY DEALER

\* Give price and value in currency of payment; if no payment, give market or estimated value in Canadian dollars.  
5th Printing—4-47—Printed in Canada

## FORM K - INSTRUCTIONS

*(The following instructions are varied in certain respects in the case of transactions by Authorized Dealers and trust companies. Authorized Dealers and trust companies should refer for particulars to the Instructions issued to them by the Board).*

**When Permit Required**

1. A permit on Form K approved by or on behalf of the Foreign Exchange Control Board is required:

(a) For every sale, assignment, transfer or delivery of securities by a resident to a non-resident. (This applies to transactions in any securities whether the transactions are effected in Canada or outside Canada and whether or not an export or import of securities is involved. A resident broker or dealer who is effecting a purchase of securities in Canada for a non-resident is regarded as the resident selling such securities to the non-resident even though the broker or dealer is acting as agent and not as principal in the transaction).

(b) For every export of securities from Canada. (A permit on Form K authorizing a sale, assignment, etc. to a non-resident may also be used as a permit to export the securities in question if the export is made within 30 days; otherwise a separate permit is required for the export of the securities).

**Transactions by Appointed Security Dealers**

2. Chartered banks, certain trust companies and offices in Canada of firms which are active members of Canadian stock exchanges or the Investment Dealers' Association of Canada are designated as Appointed Security Dealers and are authorized to approve on behalf of the Board permits on Form K for certain transactions undertaken by themselves as principals or agents in accordance with the provisions of the Board's Notice and Instructions to Appointed Security Dealers.

3. (a) In connection with transactions which an Appointed Security Dealer has authority to approve, Form K is to be completed in triplicate when an export of securities is involved and in duplicate in other cases. Permits approved by each Appointed Security Dealer are to be numbered serially 1, 2, 3, etc. commencing with a new series at the beginning of each year. (In the case of banks, such serial numbers are to be preceded by the bank and branch transit numbers). All copies of each permit are to be given the same number. The copies of the form are to be dealt with as follows:

(i) One copy is to be forwarded by the Appointed Security Dealer to the Board at Ottawa upon completion by the Appointed Security Dealer of the certificate in Section G (where applicable).

(ii) One copy is to be kept by the Appointed Security Dealer for his records; and

(iii) Where the securities are being exported, a third copy is required and is to be surrendered to the Post Office at the time of mailing. The Post Office is to stamp the form in Section L below and forward it to the Board at Ottawa.

(b) Where a transaction requiring a permit on Form K is not within the authority of an Appointed Security Dealer to approve, Form K in triplicate where an export of securities is involved and in duplicate in other cases is to be completed and submitted to the Board for consideration. If the permit is granted, the Board will return the forms to the Appointed Security Dealer duly approved. The Appointed Security Dealer will then deal with such forms in the manner described in (a) above.

**Other Transactions**

4. In connection with transactions requiring a permit on this form which are not being effected by an Appointed Security Dealer, the applicant will submit Form K in triplicate to a chartered bank or direct to the Board for consideration. If the permit is granted the appropriate copy(ies) will be returned to the applicant's authorized dealer. One of these copies will be for presentation where necessary to the transfer agent or registrar of the securities as the latter's authority to effect a transfer or change of registration to a non-resident in accordance with the Board's Notice to Transfer Agents and Registrars and/or for surrender to the Postmaster at the time of export of the securities.

**Transfer Agents and Registrars**

5. Except as provided in the Board's Notice to Registrars and Transfer Agents, a registrar or transfer agent may record a transfer of securities from the name of a resident to the name of a non-resident only where a permit on Form K approved by the Board or by an Appointed Security Dealer authorizing the transfer is exhibited to the registrar or transfer agent. The registrar or transfer agent will record in Section K below that a transfer of the securities has been recorded and return the form to the person presenting it.

**K.** I/WE state that share certificates or bonds have been issued in the

name of.....  
(NAME)

.....  
(ADDRESS)

in exchange for those described in Section D.

No. of shares or par value	Share Certificate or Bond Serial No.

.....  
(TRANSFER AGENT OR REGISTRAR)

**L.**

**POST OFFICE OR CUSTOMS  
PORT DATING STAMP**





**FORM S – INSTRUCTIONS****When Permit Required**

1. A permit on Form S approved by or on behalf of the Foreign Exchange Control Board is required for every sale of securities in Canada by or on behalf of a non-resident.

**Transactions by Appointed Security Dealers**

2. Chartered banks, certain trust companies and offices in Canada of firms which are active members of Canadian stock exchanges or the Investment Dealers' Association of Canada are designated as Appointed Security Dealers and are authorized to approve on behalf of the Board the necessary permits on this form for certain transactions undertaken by themselves as principals or agents in accordance with the provisions of the Board's Notice and Instructions to Security Dealers.

3. (a) In connection with transactions which an Appointed Security Dealer has authority to approve, Form S is to be completed in duplicate. Permits on Form S approved by each Appointed Security Dealer are to be numbered serially 1, 2, 3, etc. commencing with a new series at the beginning of each year. (In the case of banks, such serial numbers are to be preceded by the bank and branch transit numbers). All copies of each permit are to be given the same number. One copy of the form is to be forwarded by the Appointed Security Dealer to the Board at Ottawa and the other copy retained by the Appointed Security Dealer for its records.

(b) Where a transaction requiring a permit on Form S is not within the authority of an Appointed Security Dealer to approve, Form S in duplicate will be prepared and submitted to the Board for consideration. If the permit is granted, one copy of the form duly approved will be returned to the Appointed Security Dealer as its authority to effect the transaction. The other copy will be retained by the Board.

**Other Transactions**

4. In connection with transactions requiring a permit on this form which are not being effected by an Appointed Security Dealer, the applicant will submit Form S in duplicate to a chartered bank or direct to the Board for consideration. If the permit is granted, one copy will be returned to the applicant as his authority to complete the transaction.

**Payments to Non-Residents**

5. In addition to a permit on Form S if it is desired to pay to a non-resident or to a bank account in the name of a non-resident the proceeds of a sale of securities in Canada, a permit on Form G to transfer Canadian dollars to or to the account of a non-resident is required. Application for such permit is to be made in triplicate to a chartered bank or to the Board.

**FOREIGN INSURANCE COMPANIES ACT, 1932.**

*See* INSURANCE.

**CANADA FORESTRY ACT. (1949. (2nd Session) c. 8).**

This statute which came into force on December 10th, 1949, repealed the *Dominion Forest Reserves and Parks Act* (R.S.C., 1927, c. 78). No statutory orders or regulations were in effect under the latter statute on December 31st, 1949, and none had yet been made under *The Canada Forestry Act*.

**FOX PELTS, RANCHED, GRADING OF**

*See* LIVE STOCK AND LIVE STOCK PRODUCTS ACT.

**FREIGHT ASSISTANCE ON COAL MOVEMENTS.**

*See* COAL AND COKE (Dominion Coal Board Act).

**FREIGHT ASSISTANCE ON WESTERN GRAINS AND MILLFEEDS.**

*See* GRAINS AND MILLFEEDS (Regulations respecting freight assistance on western grains and millfeeds).

**FREIGHT RATES**

*See* INLAND WATER FREIGHT RATES ACT; MARITIME FREIGHT RATES ACT; TRANSPORT COMMISSIONERS, BOARD OF.

**FRUIT, VEGETABLES AND HONEY ACT. (1935, c. 62)**

For Processed fruit and vegetables regulations *see* MEAT AND CANNED FOODS ACT.

**Regulations under The Fruit, Vegetables and Honey Act.**

DEPARTMENT OF AGRICULTURE

Under and by virtue of the power conferred upon me by section 3 of the Fruit, Vegetables and Honey Act, chapter 62 of the Statutes of 1935, the undersigned hereby orders that the regulations established by Ministerial Order of December 27, 1948, as amended March 14, June 4, July 14 and August 15, 1949, be rescinded and the annexed regulations be made and established in substitution therefor.

JAMES G. GARDINER,  
*Minister of Agriculture.*

October 19, 1949

**Fruit, Vegetables and Honey Act—continued***Regulations under the Fruit, Vegetables and Honey Act***A. INTERPRETATION**

In the regulations following, unless the context otherwise requires,—

- (1) “*acceptance*”—in addition to the interpretation as laid down in any Provincial Act respecting the sale of goods this term shall be deemed to mean that the buyer has accepted the produce unless—
  - (i) he notifies the seller by wire or the seller’s local representative in writing within a reasonable time as defined in paragraph (17) hereunder that he rejects the produce or that he has applied for inspection of said produce; or
  - (ii) following such inspection, he notifies the seller by wire or the seller’s local representative in writing of his rejection of said produce within an hour after he has received a verbal or written report of the result of such inspection; or
  - (iii) in the case of freezing temperature as provided in paragraph (17) he shall have notified the seller by wire or the seller’s local representative in writing within 24 hours after receipt of notice of arrival of the produce, as to the weather conditions which prevent thorough inspection;
- (2) “*acquires produce other than as a retailer*”—a person shall be deemed to acquire as a retailer any produce which he receives at or brings to the premises for or at which he pays business tax or licence or otherwise is assessed as a retail dealer;
- (3) “*aggregate area*” means the total area under consideration if assembled into one circular area of the diameter specified;
- (4) “*branch*” means any subdivision whether permanent or seasonal of a firm licensed under the Act whose manager or other person responsible for the conduct of the business has discretionary authority in performing the usual functions of a commission agent, dealer or broker;
- (5) “*carload*” means, except as otherwise established by the Department, the maximum quantity shipped or received in a railway car; or more than 15,000 lbs. of produce shipped or received in such car.
- (6) “*class*” in respect of honey means any group of honeys falling between two definite limits of colour as established on the Dominion Honey Classifier,—an instrument so designated commercially which is manufactured to the specifications of, and authorized by the Department;
- (7) “*Department*” means the Fruit and Vegetable Division, Marketing Service, Department of Agriculture, Ottawa;
- (8) “*diameter*” means the greatest diameter at right angles to the longitudinal axis;
- (9) “*first dealer*” in respect of honey means any person who buys or otherwise acquires honey packed by another, for sale under his own label;
- (10) “*handpicked*” means the fruit shows no evidence of rough handling or having been on the ground;

**Fruit, Vegetables and Honey Act—continued**

- (11) "*inspection*" means inspection by an inspector appointed under the Act, and "*inspected*" has corresponding meaning;
- (12) "*inspection point*" means any point or area regularly attended by an inspector;
- (13) "*licensee*" means any person who holds an unrevoked and unsuspended licence issued by the Minister under the Act;
- (14) "*liquid honey*" means honey containing not more than 5 per cent visible crystals and which has been treated to preserve its original liquid form;
- (15) "*mature*" unless otherwise defined means the fruit has reached the stage of development which ensures completion of the ripening process;
- (16) "*properly packed*" means that the produce is not slack or overpressed or otherwise in condition likely to result in permanent damage during handling or in transit; and shall also mean—
  - (i) if apples in packages of one-half bushel or greater capacity, with the recognized wooden cover properly secured; ring-faced and well tailed if in barrels or hampers; packed without bulge if in crates;
  - (ii) bags or sacks shall not be loosely or insecurely closed;
  - (iii) when tarlatan or other transparent covering is used the fruit shall be well heaped and tightly packed with the cover drawn sufficiently tight and secure to prevent any appreciable movement of the fruit.
- (17) "*reasonable time*" shall be deemed to mean a period not exceeding 24 hours exclusive of Sundays and legal holidays after receipt of notice of arrival of the produce, unless at the time of the receipt by the buyer of notice of arrival of the produce the temperature is sufficiently below freezing to render a complete inspection dangerous thereto, commodity and existing weather considered. Under such circumstances a preliminary inspection for the sole purpose of determining whether transit freezing injury is present in the load shall be made or caused to be made as soon as possible after the receipt of such notice of arrival, and further inspection of the produce for the purpose of determining whether the same meets the requirements of the contract may be deferred until such time as temperature and weather conditions will permit such inspection to be safely made. The meaning of the terms "*as soon as possible*" and "*safely made*" shall be determined upon a consideration of all the facts and circumstances existing in each case;
- (18) "*registered trade name*" means any name or trade mark registered with the Dominion Commissioner of Patents;
- (19) "*reject*" shall be deemed to mean the act of any person who has purchased produce or offered to handle produce on consignment in—
  - (i) refusing or failing to accept such produce or failing to apply for inspection of said produce within a reasonable time as defined in paragraph (17), or
  - (ii) advising the seller or his agent before such produce is shipped or while it is in transit that he will not accept such produce in accordance with his contract or offer, or



**Fruit, Vegetables and Honey Act—continued**

- (iii) indicating an intention not to accept such produce through an act or a failure to act either of which is inconsistent with the contract;
- (20) "*sized*" means that the fruit in a box or crate shall not be of size range greater than  $\frac{1}{4}$  inch in diameter except that with apples of box count sizes 138 and smaller the range shall not exceed  $\frac{3}{16}$  inch. In order to allow for variations incident to commercial packing not more than 5 per cent may be outside the size ranges;
- (21) "*smooth*" means not ridged, angular or indented;
- (22) "*sound*" means that at time of packing, loading or final shipping point inspection the produce is free from defects known hereinafter as "condition defects" such as decay, breakdown, freezing injury, bitter pit, soft or shrivelled specimens, watercore, over-ripe specimens, brown core, corky core or other injury affecting the keeping quality;
- (23) "*stemless fruit*" means fruit with no portion of the stem remaining attached and no broken skin at the stem end;
- (24) "*superior*" means surpassing the average for the variety;
- (25) "*tank lot*" in respect of honey means the honey contained in any single storage tank or receptacle from which containers or packages are filled at the apiary or packing plant;
- (26) "*truly and correctly to account*" shall be deemed to include—
  - (i) prompt rendering of a true and correct itemized statement of the sale or other disposition of any consignment of produce with full payment of the gross amount for which each such consignment or subdivision thereof is sold less the proper, usual or agreed selling charges with all other expenses necessarily and actually incurred or agreed to in the handling thereof;
  - (ii) the prompt payment of deficits or other adjustments resulting from the handling of produce on consignment;
  - (iii) the prompt payment of brokerage duly earned;
  - (iv) the payment of the purchase price or other amount due either the seller or the buyer in accordance with the terms of the agreement between the parties concerned in settlement for produce purchased or sold;
- (27) "*well formed*" means of a shape characteristic of the variety.

**B. INSPECTION**

1. (1) Inspection and certification shall be required of produce as prescribed in clause 1 of the Exports and Imports Regulations and of straight or mixed carload, cargo or truck shipments of or containing—

- (a) apples, apricots, beets or carrots without tops, cabbage, cantaloupes, celery, cherries, cucumbers, grapes, head lettuce, onions without tops, peaches, pears, plums, prunes, potatoes, turnips or rutabagas, or tomatoes grown in British Columbia and to be shipped to any other province;
- (b) apples, grapes, onions without tops, peaches, pears, plums, new potatoes (to August 31 inclusive in each crop season) or tomatoes grown in Ontario and to be shipped to any other province;

**Fruit, Vegetables and Honey Act—continued**

- (c) apples or potatoes grown in New Brunswick or Nova Scotia and to be shipped to any other province;
- (d) potatoes or rutabagas grown in Prince Edward Island and to be shipped to any other province.

(2) Except as herein otherwise permitted, no common carrier shall receive for carriage or carry and no person shall for trade purposes, ship, consign or transport any produce named in sub-clause (1) hereof unless such produce is accompanied by a Release Permit or evidence of inspection as follows:—

- (a) Inspection Certificate issued by an inspector certifying that such produce has been inspected and found to comply with the requirements of the Act and Regulations; or
- (b) "Inspected" card issued for the purpose at the Inspector's convenience; or
- (c) Notation upon the shipping bill and way bill of the number and date of the inspection certificate submitted or verified for the purpose to the billing agent by the inspector.

2. At discretion a Release Permit may be issued for any shipment of produce to move for first inspection to an intermediate or destination inspection point in Canada or for gift shipments of apples for shipment out of Canada.

3. (1) Any person requiring produce to be inspected shall give adequate notice to the resident inspector. If there be no resident inspector at least two days' notice shall be given the nearest inspector or the Department.

(2) Inspections shall be made as facilities permit and as nearly as practicable in the order in which applications are received.

4. Inspection may be obtained,—

- (a) at time of packing or loading at an inspection point; or
- (b) at an intermediate highway inspection point if the produce originates at a non-inspection point; or
- (c) at shipping point at time of packing in the case of apples for shipment out of Canada; or
- (d) at such place and within such time as may be specified if to move under Release Permit.

5. Inspection certificates covering produce being shipped out of Canada shall be applicable only in case of immediate and continuous movement. Inspected produce held in transit or otherwise unduly delayed shall be deemed not to have been inspected if deterioration in excess of that described in Clause 6 of the General Regulations has occurred.

6. Persons operating storage warehouses shall preserve the identity of each lot of inspected produce held and shall give inspectors sufficient notice of the intended export of any such produce.

7. Produce to be inspected shall be made accessible and so placed as to disclose its quality and condition. Inspectors shall be rendered such assistance as they may require and may cut samples.

**Fruit, Vegetables and Honey Act—continued**

8. If the inspector has reason to believe that because of latent defects due to climate or other conditions he is unable to determine the true quality or condition of the produce he shall postpone inspection thereof for such period as in his judgment seems necessary to enable determination of its true quality or condition.

9. (1) Whenever a person financially interested in the produce is dissatisfied with the determination stated in the original inspection certificate he may apply for an appeal inspection. Such application shall state the reasons therefor and may be accompanied by a copy of any previous inspection certificate or other information possessed by the applicant regarding the quality or condition of the produce at the time of original inspection.

(2) Should it appear that the reasons stated in such application are unsubstantial or that the quality or condition of the produce has materially changed or that the produce cannot be made accessible for inspection, the application may be denied.

(3) An appeal inspection certificate which shows the original inspection to have been incorrectly certified as to permanent grade defects shall nullify the original inspection certificate.

(4) Inspections requested to determine factors of quality or condition which may have materially changed since the original inspection, or second inspections requested for the purpose of obtaining an up-to-date certificate but without questioning the correctness of the original certificate, shall not be considered appeal inspections.

10. (1) Inspection certificates shall be issued in quadruplicate; the original and one copy for departmental purposes and two copies for the applicant.

(2) If the shipper resident in Canada is not the applicant for inspection of Canadian produce, a copy of the certificate shall be delivered or mailed to him without fee.

**FEEs**

11. For each inspection performed, whether for fresh market or for processing purposes, a fee shall be paid by the applicant (i) upon delivery of the certificate, or (ii) in the case of charge accounts upon receipt of a bill from the Department, or (iii) in advance of inspection if so required by the inspector, as follows:—

- (a) *For shipping point inspection:* \$4 per carload of one product; \$5 per carload of more than one product inspected;
- (b) *For destination inspection:* \$5 per carload of one product; \$6 per carload of more than one product inspected;
- (c) *For appeal inspection:* \$8 per carload provided however that when the appeal certificate reverses the original inspection in whole or in part no fee shall be charged;
- (d) *For inspection in storage:* \$2 per carload for produce which has had shipping point inspection but requires re-certification for forwardance;
- (e) *For inspection in transit for shipment out of Canada:* \$2 per carload for produce which has had shipping point inspection and inspection is requested during trans-shipment or upon re-shipment.



**Fruit, Vegetables and Honey Act—continued**

(f) For inspections other than a "carload" (including truck, cargo, express and freight shipments, re-shipments and "local" maturity inspections, etc.):—

(i) the fee shall be based on the total gross weight according to the following schedule with a minimum fee of \$1.00 for all commercial inspection certificates. In computing the total gross weight, the total weight according to package and product as established by the Department shall be used.

<i>Gross Weight</i> (lb.)	<i>Amount of</i> <i>Fee</i> \$
Up to 6,000.. . . . .	1.00
6,001 to 7,500.. . . . .	1.25
7,501 to 9,000.. . . . .	1.50
9,001 to 10,500.. . . . .	1.75
10,501 to 12,000.. . . . .	2.00
12,001 to 13,500.. . . . .	2.25
13,501 to 15,000.. . . . .	2.50
15,001 to 16,500.. . . . .	2.75
16,501 to 18,000.. . . . .	3.00
18,001 to 19,500.. . . . .	3.25
19,501 to 21,000.. . . . .	3.50
21,001 to 22,500.. . . . .	3.75
22,501 to 24,000.. . . . .	4.00

(ii) For lots exceeding 24,000 lb. gross weight, the fee shall be based on the customary carload quantity, according to product, at the rate of \$4 per carload of one product and \$5 per carload of more than one product for shipping point inspection, and \$5 per carload of one product and \$6 per carload of more than one product for destination inspection. In computing the number of carloads in the lot, half or more of the customary carload quantity, shall be considered a carload for purposes of fee assessment.

(g) For honey inspections, except as otherwise provided in clauses 14 and 15 of the Honey Regulations,

(i) at shipping point or destination one-sixtieth cent per pound, minimum fee \$1.00 but one-twentieth cent per pound with minimum fee 25 cents for a small quantity inspected together with a carlot quantity.

(ii) For appeal inspection, one-thirtieth cent per pound, minimum fee \$2.00, provided however that when such inspection proves the original inspection to have been incorrectly certified no fee shall be charged and the original certificate shall be deemed automatically annulled by issuance of the appeal certificate.

(2) The Department may vary inspection fees to meet conditions at different points or where the services required are of a particular nature or a fee may be assessed at the rate of \$8 per day, \$5 per half day or \$2 per hour.



**Fruit, Vegetables and Honey Act—continued**

(3) Upon request by any person financially interested and payment of a fee of \$1, two copies of a particular inspection certificate may be supplied provided that no fee shall be charged for not more than two copies of a certificate if requested before issuance of the certificate.

(4) For a Release Permit as provided in clause 2 hereof a fee equivalent to the applicable inspection fee shall apply and be payable by the applicant provided that no fee shall be charged for gift shipments of five packages or less.

(5) The Department may require reimbursement for travelling expenses, telegrams, telephones or other items paid or incurred in connection with any inspection or re-inspection made at a place other than an inspection point or other than where the request for such inspection is filed with an inspector.

**12.** Notwithstanding anything to the contrary in these regulations contained, any inspection certificate or other evidence of inspection may be withheld as required—

- (a) to give effect to instructions issued through the Department for regulation of export or interprovincial shipment of any kind, variety or grade of produce;
- (b) for enforcement of the provisions of Sections 10, 11 or 12 of the Act.

**13.** These regulations shall not apply to gift shipments of five packages or less, or experimental or exhibition shipments, or such other shipments as may be authorized by the Minister.

**C. GRADES****APPLES**

**1.** The following shall be the grades for apples packed in boxes and for all apples grown and packed in British Columbia:—

**EXTRA FANCY GRADE**

- (a) (i) "*Extra Fancy*" which shall include only sound, mature, clean, smooth, handpicked, sized, well formed apples of one variety;
- (ii) free from all insect pests, disease, Jonathan spot, skin broken at the stem, hail marks, sunscald, spray burn, drought spot, stemless fruit, and from apple maggot injury if for export;
- (iii) free from damage caused by bruises, russetting, insect injury, limb rub, leaf mark, skin punctures, storage scald, San Jose scale and shall be
- (iv) properly packed;
- (v) each apple shall have the amount of colour hereinafter specified for apples of this grade.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Handling bruises or box bruises such as are incident to good commercial handling in the preparation of a tight pack not to exceed one inch in diameter in the aggregate area.

**Fruit, Vegetables and Honey Act—continued**

- (ii) For Rome Beauty only, net-like russetting not exceeding one-half inch in diameter in the aggregate.
- (iii) For Yellow Newtown and Cox Orange only, fine net-like russetting at the basin of the stem may overflow therefrom provided it does not extend beyond a point on the greatest diameter, that it is continuous from the stem bowl, and does not affect more than 10 per cent of the surface of the fruit in the aggregate.
- (iv) Smooth russetting at the stem end, when not visible for more than one-half inch when the fruit is placed stem end down on the flat surface.
- (v) Pansy spot, when the aggregate area affected does not exceed one-half inch in diameter.
- (vi) Light limb rub or leaf mark, when the aggregate area affected does not exceed one-quarter inch in diameter.
- (vii) For reinspection of McIntosh and Northern Spy only, one skin puncture is permitted provided it is not over one-eighth inch in diameter, and provided that not more than 15 per cent of the specimens in any one box are so affected.
- (viii) From February first to the end of the shipping season of each year, slight freckled storage scald not to exceed an aggregate area of 15 per cent of the surface.
- (ix) San Jose scale, when no apple is affected with more than two scale spots and provided further, that not more than 5 per cent by count of the apples in any package are so affected.
- (x) Where any apple shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

**FANCY GRADE**

- (b) (i) “Fancy” which shall include only sound, mature, clean, smooth, hand-picked, sized, well formed apples of one variety;
- (ii) free from Jonathan spot, skin broken at the stem, drought spot, stemless fruit, and from apple maggot injury if for export;
- (iii) free from damage caused by disease, bruises, russetting, insect injury, limb rub, leaf marks, hail marks, sun scald, storage scald, spray burn, skin punctures, San Jose scale, oyster shell scale and shall be
- (iv) properly packed;
- (v) each apple shall have the amount of colour hereinafter specified for apples of this grade.

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

- (i) Scab spots not to exceed an aggregate area of one-eighth inch in diameter, except that pinpoint scab shall not be allowed.
- (ii) Handling bruises or box bruises such as are incident to good commercial handling in the preparation of a tight pack not to exceed one inch in diameter in the aggregate area.

**Fruit, Vegetables and Honey Act—continued**

- (iii) Russetting; solid up to 10 per cent of the surface in the aggregate; smooth net-like russetting, or mildew resembling such russetting up to 25 per cent of the surface in the aggregate.
- (iv) Leaf roller up to an aggregate area of one-half inch in diameter, provided it does not deform the fruit.
- (v) Pansy spot up to an aggregate area of not more than one inch in diameter.
- (vi) Two healed-over insect punctures or stings not over one-eighth inch in diameter inclusive of any encircling discoloured ring.
- (vii) Limb rub or leaf mark up to an aggregate area of one-half inch in diameter.
- (viii) Hail marks where there is no discoloration and where the indentations are slight, also hail marks of a russet character, the aggregate area not to be more than one-half inch in diameter.
- (ix) Sun scald or spray burn where the normal colour of the apple is but slightly changed, and there is no blistering or cracking of the skin, and provided that the apple has Extra Fancy colour for the variety.
- (x) Slight freckled storage scald not to exceed an aggregate area of 25 per cent of the surface.
- (xi) Skin punctures. In McIntosh and Northern Spy varieties only, one skin puncture is permitted provided it is less than one-eighth of an inch in diameter. On re-inspection one extra skin puncture is permitted provided it is less than one-eighth inch in diameter. Provided also that in both original inspection and re-inspection not more than 20 per cent of the specimens in any one package are so affected.
- (xii) San Jose or oyster shell scale, when no apple is affected with more than two scale spots and provided further, that not more than 5 per cent by count of the apples in any package are so affected.
- (xiii) Where any apple shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

**"C" GRADE**

- (c) (i) "C" which shall include only sound, mature, clean, hand-picked apples of one variety;
- (ii) free from skin broken at the stem, and from apple maggot injury if for export;
- (iii) free from serious damage caused by insect pests, bruises, russetting, insect injury, limb rub, leaf marks, hail marks, sun scald, storage scald, spray burn, skin punctures, disease, drought spot, San Jose scale, oyster shell scale, and shall be
- (iv) properly packed; sized, if tiered;
- (v) each apple shall have the amount of colour hereinafter specified for apples of this grade;
- (vi) if for final sale within Canada, immature apples of varieties Wealthy and earlier may be "jumble" packed to a minimum size of  $2\frac{1}{4}$  inches in diameter provided that in addition to other marks required the packages are marked "Cookers."



**Fruit, Vegetables and Honey Act—continued**

“Serious Damage.” The following shall not be considered as serious damage for the purpose of this grade:—

- (i) Slightly larger handling and box bruises than specified in Fancy, but not soft bruises.
- (ii) Smooth net-like russetting; solid russetting which does not affect in the aggregate more than 25 per cent of the surface.
- (iii) Leaf roller which does not affect in the aggregate more than 10 per cent of the surface.
- (iv) Pansy spot.
- (v) Four healed-over insect punctures or stings not over one-eighth inch in diameter, except green and yellow varieties which may be one-quarter inch in diameter, inclusive of any encircling discoloured ring.
- (vi) Malformation which does not affect more than 25 per cent of the surface of the apple nor depress the surface more than one-quarter inch.
- (vii) Limb rub or leaf mark which does not affect in the aggregate more than 10 per cent of the surface.
- (viii) Hail marks which are well healed, the aggregate area affected not to exceed one-half inch in diameter.
- (ix) Sun scald or spray burn which does not affect in the aggregate more than 15 per cent of the surface, and provided the mark has not turned soft.
- (x) Storage scald not to exceed an aggregate area of 25 per cent of the surface.
- (xi) In McIntosh and Northern Spy varieties only, two skin punctures are permitted provided they are less than one-eighth inch in diameter. On re-inspection only, one extra skin puncture is permitted provided it is less than one-eighth inch in diameter.
- (xii) Scab spots not to exceed one-half inch in diameter in the aggregate.
- (xiii) Drought spots, not more than three spots where the surface is only slightly depressed or discoloured and provided the aggregate area affected does not exceed one-half inch in diameter.
- (xiv) San Jose or oyster shell scale when no apple is affected with more than two scale spots and provided further, that not more than 5 per cent by count of the apples in any package are so affected.
- (xv) Where any apple shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

COMBINATION FANCY AND “C” GRADE

- (d) A combination of Fancy and “C” grade apples may be packed with at least 50 per cent of the apples in any package meeting the requirements of the higher grade sized if tiered.

NOTE: The grade designation may be abbreviated as “COMB FCY-C”.

In order to allow for variations incident to commercial grading, handling and packing, in each of the foregoing grades, 7 per cent by count of any lot may be below the requirements of the grade at shipping point and 10 per cent at destination but not exceeding 5 per cent shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay, no tolerance however to be allowed for apple maggot injury in apples for shipment out of Canada.

(NOTE: See also Clause 6 General Regulations, respecting “Condition Defects” as affecting grade.)



**Fruit, Vegetables and Honey Act—continued**

## APPLES

2. Except as otherwise provided in clause 1 hereof the following shall be the grades for apples packed in barrels, hampers, crates or baskets:

## No. 1 GRADE

- (a) (i) "No. 1" shall include only sound, mature, clean, smooth, handpicked, well-formed apples of one variety;
- (ii) free from all insect pests, disease, Jonathan spot, skin broken at the stem, hail marks, sun scald, spray burn, drought spots, and from apple maggot injury if for export;
- (iii) free from damage caused by bruises, russetting, insect injury, skin punctures, limb rub, San Jose scale;
- (iv) each apple shall have the colour hereinafter specified for apples of this grade, and shall be
- (v) properly packed.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Handling and packing bruises such as are incident to good commercial handling in the preparation of a tight pack, not exceeding one inch in diameter in the aggregate area.
- (ii) Russetting at the basin of the stem, and smooth net-like russetting, not exceeding 20 per cent of the surface, and which blends with the normal colour of the variety.
- (iii) For Ribston, Blenheim, Cox Orange, Gano and Ben Davis varieties only, russetting at the basin of the stem, and smooth solid russetting not exceeding 20 per cent of the surface in the aggregate and which blends with the normal colour of the variety.
- (iv) Pansy spot not exceeding one inch in diameter in the aggregate.
- (v) For McIntosh and Northern Spy varieties only, one skin puncture is permitted, provided it is not over one-eighth inch in diameter, and provided that not more than 15 per cent of the specimens in any one package are so affected.
- (vi) Light limb rub not exceeding one-quarter inch in the aggregate.
- (vii) San Jose scale, when no apple is affected with more than two scale spots and provided further, that not more than 5 per cent by count of the apples in any package are so affected.
- (viii) Where any apple shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

## DOMESTIC GRADE

- (b) (i) "*Domestic*" shall include only sound, clean, mature, hand-picked apples of one variety;
- (ii) free from all insect pests, and from apple maggot injury if for export;
- (iii) free from damage caused by bruises, russetting, insect injury, San Jose scale, limb rub, hail marks, sun scald, storage scald, spray burn, skin punctures, disease, and shall be
- (iv) properly packed;

**Fruit, Vegetables and Honey Act—continued**

- (v) each apple shall have the amount of colour hereinafter specified for apples of this grade;
- (vi) if for final sale within Canada, immature apples of varieties Wealthy and earlier may be packed to a minimum size of 2¼ inches in diameter provided that in addition to other marks required the packages are marked "Cookers."

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Handling and packing bruises such as are incident to good commercial handling in the preparation of a tight pack not exceeding one inch in diameter in the aggregate area.
- (ii) Smooth net-like russetting.
- (iii) Smooth solid russetting which does not affect more than one-third of the surface in the aggregate.
- (iv) For Cox Orange variety only, solid russetting which does not affect more than one-third of the surface in the aggregate.
- (v) For Gano and Ben Davis varieties only, rough russetting, not pebbly, which does not affect more than one-third of the surface in the aggregate and provided that the apple has No. 1 grade colour.
- (vi) Pansy spot.
- (vii) Oyster shell scale.
- (viii) San Jose scale, when no apple is affected with more than two scale spots and provided further that not more than 5 per cent by count of the apples in any package are so affected.
- (ix) Two healed-over insect punctures or stings not over one-eighth inch in diameter inclusive of any encircling discoloured ring.
- (x) Bud-moth injury, four healed-over punctures or stings not over one-eighth inch in diameter inclusive of any encircling discoloured ring; or in the case of small pin point stings, not to exceed one-half inch in diameter in the aggregate including any encircling discoloured ring.
- (xi) One skin puncture, provided it is less than one-eighth inch in diameter.
- (xii) The following, provided no one defect shall affect more than five per cent of the surface and provided also that when an apple shows two or more of the defects the total area affected shall not be more than seven per cent of the surface; leaf roller, any other insect injury provided the skin is not broken, hail marks, sun scald, storage scald or spray burn provided the mark has not turned soft, limb rub, drought spot and scab.

In order to allow for variations incident to commercial grading, handling and packing, in each of the foregoing grades, 7 per cent by count of any lot may be below the requirements of the grade at shipping point and 10 per cent at destination but not exceeding 5 per cent shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay, no tolerance however to be allowed for apple maggot injury in apples for shipment out of Canada.

(Note: See also Clause 6, General Regulations, respecting "Conditions Defects" as affecting grade.)

**Fruit, Vegetables and Honey Act—continued**

## SIZE AND COLOUR MINIMA FOR APPLES

3. (1) Except as provided in sub-clauses (2), (3) and (4) hereof, the minimum diameter for apples in all grades and packs shall be  $2\frac{1}{4}$  inches or 234 box count size, and the minimum colour requirements for respective varieties and grades shall be as follows:

*(a) Red or Red Striped Varieties*

## Minimum Colour—Percentage

	Extra Fancy	No. 1	Fancy	Domestic or C (showing of colour)
Alexander .....	50	40	25	15
Arctic .....	40	40	15	15
Astrachan .....	40	40	15	15
Baldwin .....	40	40	15	15
Baxter .....	50	40	25	15
Ben Davis .....	40	40	15	15
Canada Baldwin .....	50	40	25	15
Canada Red .....	50	40	25	15
Cooper Market .....	40	40	15	15
Cortland .....	40	40	15	15
Crimson Beauty .....	40	40	15	15
Crimson Gravenstein .....	40	40	15	15
Delicious .....	50	40	25	15
Early William .....	40	40	15	15
Fameuse or Snow .....	40	40	15	15
Gano .....	50	40	25	15
Jefferis .....	40	40	15	15
Jonathan .....	40	40	15	15
Kendall .....	50	40	25	15
King David .....	50	40	25	15
King (Tompkins King) .....	40	40	15	15
Lawfam .....	40	40	15	15
Linda .....	40	40	15	15
Lobo .....	50	40	25	15
Macoun .....	40	40	15	15
McIntosh .....	40	40	15	15
Northern Spy .....	40	40	15	15
Paragon .....	50	40	25	15
Rome Beauty .....	40	40	15	15
Salome .....	40	40	15	15
Scarlet Pippin .....	50	40	25	15
Seek-no-further (Westfield) .....	40	40	15	15
Spitzenberg .....	50	40	25	15
Stark, Red .....	50	40	25	15
Stayman Winesap .....	50	40	25	15
Wagner .....	40	40	15	15
Wealthy .....	40	40	15	15
Winesap .....	50	40	25	15
Wolf River .....	50	40	25	15
York Imperial .....	40	40	15	15
Varieties, N.O.P. ....	40	40	15	15

**Fruit, Vegetables and Honey Act—continued**

*(b) Red Cheeked or Blush Varieties*

Minimum Colour—Percentage

	Perceptibly Blushed Cheek	Perceptibly Blushed Cheek	Tinge of Colour	None
Cox Orange .....	"	"	"	"
Cranberry Pippin .....	"	"	"	"
Duchess .....	"	"	"	"
Dudley .....	"	"	"	"
Fallawater .....	"	"	"	"
Gravenstein .....	"	"	"	"
Hubbardston .....	"	"	"	"
Joyce .....	"	"	"	"
Lasalle .....	"	"	"	"
Laxton Superb .....	"	"	"	"
Melba .....	"	"	"	"
Milwaukee .....	"	"	"	"
Ontario .....	"	"	"	"
Peerless .....	"	"	"	"
Pewaukee .....	"	"	"	"
Red Russet .....	"	"	"	"
Sturmer Pippin .....	"	"	"	"
Twenty Ounce .....	"	"	"	"
Winter Banana .....	"	"	"	"
Varieties, N.O.P. ....	"	"	"	"

*(c) Green, Yellow or Russet Varieties*

	Characteristic	Characteristic	Characteristic	None
Bishop Pippin .....	"	"	"	"
Blenheim .....	"	"	"	"
Bough Sweet .....	"	"	"	"
Bramley Seedling .....	"	"	"	"
Golden Delicious .....	"	"	"	"
Golden Russet .....	"	"	"	"
Grimes Golden .....	"	"	"	"
Mann .....	"	"	"	"
Nonpareil .....	"	"	"	"
(Roxbury Russet) .....	"	"	"	"
Northwest Greening .....	"	"	"	"
Rhode Is. Greening .....	"	"	"	"
Ribston .....	"	"	"	"
Stark, Green .....	"	"	"	"
Tolman Sweet .....	"	"	"	"
Wellington .....	"	"	"	"
Yellow Newtown .....	"	"	"	"
Yellow Transparent .....	"	"	"	"
Varieties, N.O.P. ....	"	"	"	"



**Fruit, Vegetables and Honey Act—continued**

(2) The Department may authorize inspection and certification of dessert varieties, of recognized or outstanding value, to 2 inches minimum diameter in No. 1 grade for (a) shipment out of Canada, or (b) inter-provincial movement, under circumstances recommended to the Department by the Provincial Fruit Growers' Associations concerned as warranting such additional supplies being marketed.

(3) Red or red striped varieties of size 2 to  $2\frac{1}{4}$  inches as provided for in the aforementioned subclause shall have 20 per cent additional colour.

(4) The minimum size stipulated shall not apply to boxed apples, if tiered, governed by a marketing agreement with the Dominion.

NOTE 1.—The percentage of colour specified for red and red striped varieties shall mean the portion of the surface which has reached full characteristic red colour for the variety and "perceptibly blushed cheek," quite noticeable blush colour.

An apple having solid red or red striped colour of a lighter shade than that considered as full characteristic red colour for the variety may be admitted to a grade provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of full characteristic red colour for the variety required for the grade. Faded brown stripes shall not be considered as colour.

NOTE 2.—The names used are those recognized by standard authorities, in some cases better-known trade names being substituted or added.

4. Except that no variety may be packed below the minimum size for the variety as provided in clause 3 of these regulations, apples of No. 1 or Domestic grade shall be packed to one or other of the following size ranges, any such packs shall include all the apples of the designated size range:—

SIZE RANGES (INCHES)

2	to $2\frac{1}{4}$
$2\frac{1}{4}$	to $2\frac{1}{2}$
$2\frac{1}{4}$	to $2\frac{3}{4}$
$2\frac{1}{2}$	to $2\frac{3}{4}$
$2\frac{1}{2}$	to 3
$2\frac{3}{4}$	and up
$2\frac{3}{4}$	to 3
$2\frac{3}{4}$	and up
3	and up

(2) In order to allow for variations incident to commercial packing, in each of the grades No. 1 and Domestic, not more than 5 per cent of the apples in any package may be above the maximum size and not more than 5 per cent below the minimum size stated on the package.

CRABAPPLES

5. The following shall be the grades for crabapples:—

- (a) (i) "Fancy" which shall include only sound, mature, clean fruit of one variety;
- (ii) free from damage caused by disease, insects, or mechanical or other means;
- (iii) properly packed, and
- (iv) each crabapple shall be of a minimum size of  $1\frac{1}{4}$  inches and the Hyslop variety shall have 35 per cent colour.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Handling bruises or box bruises such as are incident to good commercial handling in the preparation of a tight pack not to exceed one-half inch in diameter in the aggregate area.

**Fruit, Vegetables and Honey Act—continued**

- (ii) Russetting up to 10 per cent of the surface.
- (iii) Leaf roller up to an aggregate area of one-quarter inch in diameter provided it does not deform the fruit.
- (iv) One healed-over insect puncture or sting not to exceed one-eighth inch in diameter inclusive of any encircling discoloured ring.
- (v) Limb rub or leaf mark up to an aggregate area of one-quarter inch in diameter.
- (vi) Hail marks where the discoloration and indentations are slight, also hail marks of a russet character, the aggregate area not to exceed one-quarter inch in diameter.
- (vii) Sun scald or spray burn, where the normal colour of the crabapple is only slightly changed, and there is no blistering of the skin.
- (viii) Where any crabapple shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

**“C” GRADE**

- (b) “C” which shall include only sound, mature fruit of one variety and shall be properly packed; each crabapple shall be of the minimum size of one inch in diameter.

In order to allow for variations incident to commercial grading, handling and packing, in each of the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect, except that not more than 3 per cent of the entire lot may be affected with decay

**PEARS**

6. The following shall be the grades for pears packed in boxes:

**EXTRA FANCY GRADE**

- (a) (i) “*Extra Fancy*” which shall include only sound, mature, clean, hand-picked, sized, well-formed pears of one variety;
- (ii) free from all insect pests, disease, hail marks, sun scald, spray burn, drought spots, insect injury, scald, visible black end;
- (iii) free from damage caused by bruises, russetting, limb rub, leaf mark and skin punctures, and shall be
- (iv) properly packed, and
- (v) of a minimum size of 193 count.

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

- (i) Slight handling bruises and box bruises such as are incident to good commercial handling in the preparation of a tight pack.
- (ii) Characteristic smooth russetting for Clairgeau, Flemish Beauty, Boussock, Bosc, Comice and Winter Nelis varieties.
- (iii) Russetting which is not characteristic of the variety when the aggregate area is not greater than 15 per cent of the surface.
- (iv) Light limb rub or leaf mark of a russet character which is not soft and affects an aggregate area not exceeding three-quarters of an inch in diameter.

**Fruit, Vegetables and Honey Act—continued**

- (v) In Anjou variety only, and in case of re-inspection only, one skin puncture is permitted provided not over one-eighth inch in diameter, and not more than 10 per cent of the pears in any one box are so affected.
- (vi) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

**FANCY GRADE**

- (b) (i) "*Fancy*" which shall include only sound, mature, clean, hand-picked, sized, well-formed pears of one variety;
- (ii) free from all insect pests, scald, drought spots, visible black end;
- (iii) free from damage caused by bruises, russetting, insect injury, limb rub, leaf mark, hail marks, sun scald, spray burn, skin punctures and disease, and shall be
- (iv) properly packed, and
- (v) of a minimum size of 193 by count.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Slight handling bruises and box bruises such as are incident to good commercial handling in the preparation of a tight pack.
- (ii) Characteristic smooth russetting for Clairegeau, Flemish Beauty, Boussock, Bose, Comice and Winter Nelis varieties.
- (iii) Russetting which is not characteristic of the variety when the aggregate area is not greater than 25 per cent of the surface.
- (iv) Two small, well healed over stings, in each of which the diameter of the dark discoloration caused thereby exclusive of any encircling green ring shall be not more than one-eighth inch.
- (v) Leaf roller up to an aggregate area of one-half inch in diameter provided it does not deform the fruit.
- (vi) For sale and distribution in Canada oyster shell scale not exceeding two spots.
- (vii) Light limb rub or leaf mark of a russet character which is not soft and affects an aggregate area not exceeding three-quarters of an inch in diameter.
- (viii) Hail marks where the skin is not broken, where there is no discoloration and where the indentations are slight, also hail marks of a russet character, the aggregate area not to be more than one-half inch in diameter.
- (ix) Sun scald or spray burn where the normal colour of the pear is but slightly changed, and there is no blistering or cracking of the skin.
- (x) Skin punctures; in Anjou variety only, one skin puncture not exceeding one-eighth inch in diameter. On re-inspection one extra skin puncture not exceeding one-eighth inch in diameter; provided that both on first inspection and re-inspection not more than 10 per cent of the pears in any one box are so affected.
- (xi) Scab spots not exceeding an aggregate area of one-quarter inch.
- (xii) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.



**Fruit, Vegetables and Honey Act—continued**

**"C" GRADE**

- (c) (i) "C" which shall include only sound, mature, clean, hand-picked pears of one variety;
- (ii) free from all insect pests, scald, visible black end;
- (iii) free from serious damage caused by bruises, insect injury, limb rub, sun scald, spray burn, skin puncture, drought spots, hail marks, disease;
- (iv) of a minimum size of 228 by count for Winter Nelis and of a minimum size of 210 by count for other varieties;
- (v) properly packed; sized if tiered, otherwise  $2\frac{1}{16}$  inches minimum diameter.

"Serious Damage." The following shall not be considered as serious damage for the purposes of this grade:—

- (i) Slightly larger handling and box bruises than specified in Fancy, but no soft bruises.
- (ii) Healed-over stings not to exceed one-half inch in diameter in the aggregate.
- (iii) Leaf roller which does not affect in the aggregate more than 15 per cent of the surface.
- (iv) For sale and distribution within Canada oyster shell scale not exceeding two spots.
- (v) Limb rub which does not affect in the aggregate more than 15 per cent of the surface.
- (vi) Sun scald or spray burn which does not affect in the aggregate more than 15 per cent of the surface, and provided the mark has not turned soft.
- (vii) In Anjou variety only, two skin punctures not exceeding one-eighth inch in diameter; on re-inspection one extra skin puncture not exceeding one-eighth inch in diameter.
- (viii) Three drought spots where the surface is only slightly depressed or discoloured.
- (ix) Hail marks which are well healed, the aggregate area affected not to exceed one-half inch in diameter.
- (x) Scab spots not to exceed an aggregate area of one-half inch in diameter.
- (xi) Speckled mildew which does not affect more than 5 per cent of the surface in the aggregate and provided same is not within three-quarter inch of the calyx.
- (xii) Slightly deformed pears, provided not more than 25 per cent of the surface is affected.
- (xiii) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

**COMBINATION FANCY AND "C" GRADE**

- (d) A combination of Fancy and "C" grade pears may be packed with at least 50 per cent of the pears in any package meeting the requirements of the higher grade; sized if tiered.

NOTE: The grade designation may be abbreviated as "COMB FCY-C".

No pears except Seckel and pickling varieties shall be packed in Extra Fancy and Fancy Grades unless tiered.



**Fruit, Vegetables and Honey Act—continued**

In order to allow for variations incident to commercial grading, handling and packing in each of the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay.

7. The following shall be the grades for pears packed in other than the standard pear box:—(See clause 8 *re* "Export Pack".)

**No 1 GRADE**

- (a) (i) "No. 1" which shall include only sound, mature, clean, hand-picked, well-formed pears of one variety;
- (ii) free from all insect pests, disease, hail marks, sun scald, spray burn, drought spots, insect injury, scald, black end, skin punctures;
- (iii) free from damage caused by bruises, russetting, limb rub;
- (iv) the minimum diameter of No. 1 pears shall be as follows: Clairgeau and Duchess  $2\frac{1}{2}$  inches; Clapp Favourite, Flemish Beauty, Howell, Anjou and Bosc  $2\frac{1}{4}$  inches; Bartlett, Kieffer  $2\frac{3}{8}$  inches; Gifford, Winter Nelis and Lawson 2 inches; Seckel  $1\frac{1}{4}$  inches, and shall be
- (v) properly packed.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Handling and package bruises such as are incident to good commercial handling in the preparation of a tight pack not to exceed one inch in diameter in the aggregate area and provided there is no brown discoloration underneath the skin.
- (ii) Characteristic smooth russetting for Flemish Beauty, Boussock, Bosc, Comice and Winter Nelis varieties.
- (iii) Russetting which is not characteristic of the variety when the aggregate area is not greater than 15 per cent of the surface.
- (iv) Light limb rub or leaf mark of a russet character which is not soft and affects an aggregate area not exceeding three-quarters of an inch in diameter.
- (v) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

**DOMESTIC GRADE**

- (b) (i) "Domestic" which shall include only sound, mature, clean, hand-picked, well formed pears of one variety;
- (ii) free from all drought spots, black end, scald;
- (iii) free from damage caused by bruises, russetting, insect injury, limb rub, skin punctures, hail marks, sun scald, spray burn and disease;
- (iv) the minimum diameter of Domestic pears shall be as follows: Clairgeau and Duchess  $2\frac{1}{4}$  inches; Howell and Clapp Favourite 2 inches; Bartlett  $1\frac{7}{8}$  inches; Flemish Beauty, Anjou and Bosc,  $1\frac{3}{4}$  inches; Kieffer  $1\frac{5}{8}$  inches; Gifford, Winter Nelis, Lawson,  $1\frac{1}{2}$  inches; Seckel 1 inch, and shall be
- (v) properly packed.

**Fruit, Vegetables and Honey Act—continued**

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

- (i) Handling and package bruises such as are incident to good commercial handling in the preparation of a tight pack not to exceed one inch in diameter in the aggregate area and provided there is no brown discoloration underneath the skin.
- (ii) Characteristic smooth russetting for Flemish Beauty, Boussock, Bosc, Comice and Winter Nelis varieties.
- (iii) Russetting which is not characteristic of the variety when the aggregate area is not greater than 25 per cent of the surface.
- (iv) Two small well healed-over stings, in each of which the diameter of the dark discoloration caused thereby, exclusive of any encircling green ring, shall not be more than one-eighth inch.
- (v) Leaf roller up to an aggregate area of one-half inch in diameter, provided it does not deform the pear.
- (vi) For sale and distribution within Canada, oyster shell scale not exceeding two spots.
- (vii) Light limb rub of a russet character which is not soft and affects an aggregate area not exceeding three-quarters of an inch in diameter.
- (viii) Skin punctures; in Anjou variety only, one skin puncture not exceeding one-eighth inch in diameter. On re-inspection, one extra skin puncture not exceeding one-eighth inch in diameter, provided that on first inspection and re-inspection not more than 15 per cent of the pears in any one package are so affected.
- (ix) Hail marks where the skin is not broken, where there is no discoloration and where indentations are slight, the aggregate area not to be more than one-half inch in diameter.
- (x) Sun scald or spray burn where the normal colour of the pear is but slightly changed, and there is no blistering or cracking of the skin.
- (xi) Scab spots not exceeding an aggregate area of one-quarter inch in diameter.
- (xii) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

**No. 3 GRADE**

- (c) (i) “No. 3” which shall include only sound, mature, handpicked pears of one variety;
- (ii) free from serious damage caused by bruises, insect injury, limb rub, hail marks, sun scald, spray burn, skin puncture, drought spot and disease;
- (iii) each pear shall be of a minimum size of 1½ inches in diameter except for Seckel variety for which the minimum size shall be 1 inch in diameter and shall be
- (iv) properly packed.

“Serious Damage.” The following shall not be considered as serious damage for the purposes of this grade:—

- (i) Bruises which do not affect in the aggregate more than 15 per cent of the surface.

**Fruit, Vegetables and Honey Act—continued**

- (ii) Russeting.
- (iii) Leaf roller, provided it does not deform more than 25 per cent of the surface.
- (iv) Oyster shell scale.
- (v) Any other insect injury where skin is not broken and which does not affect in the aggregate more than 15 per cent of the surface.
- (vi) Limb rub or leaf mark which does not affect in the aggregate more than 15 per cent of the surface.
- (vii) Hail marks where skin is not broken and the aggregate area affected is not more than three-quarters inch in diameter.
- (viii) Sun scald or spray burn which does not affect in the aggregate more than 15 per cent of the surface and provided the mark has not turned soft.
- (ix) In Anjou variety only, two skin punctures not exceeding one-eighth inch in diameter. On re-inspection only, one extra skin puncture not exceeding one-eighth inch in diameter.
- (x) Drought spots where surface is only slightly depressed or discoloured.
- (xi) Scab spots which do not affect in the aggregate more than 15 per cent of the surface.
- (xii) Slightly deformed pears.
- (xiii) Where any pear shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

8. (1) No. 1 and Domestic grade pears for shipment out of Canada may be packed to the following minimum sizes according to varieties and shall have a size spread of not greater than one-quarter inch in diameter but may be packed  $2\frac{1}{2}$  inches up;  $2\frac{1}{4}$  inches up and  $1\frac{1}{2}$  inches up, as provided in the respective groups. (In addition to other marks required the size range shall be clearly marked on each package in figures not less than one-quarter inch in length.)

	Minimum Size
Clairgeau .....	$2\frac{1}{2}$ " up $2\frac{1}{4}$ "
Duchess .....	
Howell .....	$2\frac{1}{2}$ " up 2"
Clapp Favourite .....	
Bartlett .....	$2\frac{1}{4}$ " up $1\frac{3}{4}$ "
Flemish Beauty .....	
Kieffer .....	
Anjou .....	
Bosc .....	
Gifford .....	$1\frac{1}{2}$ " up 1"
Winter Nelis .....	
Lawson .....	
Seckel .....	

- (2) In order to allow for variations incident to commercial packing in each of the grades No. 1 and Domestic not more than 5 per cent of the pears in any package may be above the maximum size and not more than 5 per cent below the minimum size stated on the package.

In order to allow for variations incident to commercial grading, handling and packing in each of the foregoing grades, 10 per cent by count of

**Fruit, Vegetables and Honey Act—continued**

any lot may be below the requirements of the grade, but not to exceed one-half of this tolerance shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay.

PEACHES

9. The following shall be the grades for peaches:—

SELECT GRADE

- (a) (i) “*Select*” which shall include only sound, uniformly mature, clean, handpicked, sized, well-formed peaches of one variety, of superior colour for the variety;
- (ii) free from all russetting, insect pests, insect injury, limb rub, hail marks,, sun scald, skin punctures or breaks, disease, growth cracks, split stones, gum;
- (iii) free from damage caused by bruises;
- (iv) of a minimum size of  $2\frac{3}{8}$  inches in diameter except for peaches packed in standard peach boxes the minimum size shall be 60 by count, and shall be
- (v) properly packed.

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack.

No. 1 GRADE

- (b) (i) “*No. 1*” which shall include only sound, uniformly mature, clean, handpicked, sized, well-formed peaches of one variety, of good colour for the variety;
- (ii) free from all russetting, insect pests, insect injury, limb rub, hail marks, sun scald, punctures or breaks, disease, growth cracks, split stones, gum;
- (iii) free from damage caused by bruises;
- (iv) of a minimum size of  $2\frac{1}{8}$  inches in diameter except for peaches packed in standard peach boxes the minimum size shall be 84 by count, and shall be
- (v) properly packed.

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack.

No. 2 GRADE

- (c) (i) “*No. 2*” which shall include only sound, uniformly mature, clean, handpicked, sized, well-formed peaches of one variety;
- (ii) free from all insect pests, skin punctures or breaks, growth cracks;
- (iii) free from damage caused by bruises, insect injury, split pit, russetting, limb rub, hail marks and disease;
- (iv) of a minimum size of  $1\frac{7}{8}$  inches in diameter except for peaches packed in standard peach boxes the minimum size shall be 96 by count, and shall be
- (v) properly packed.



**Fruit, Vegetables and Honey Act—continued**

Peaches meeting the requirements of this grade may be marked "Domestic" when packed in baskets or hampers.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Slight handling and packing bruises such as are incident to good commercial handling in the preparation of a tight pack.
  - (ii) Slightly deformed peaches where not more than 15 per cent of the surface is affected.
  - (iii) Split pit where not readily apparent.
  - (iv) Russeting provided not more than an aggregate area of 5 per cent of the surface is affected.
  - (v) Limb rub provided not more than an aggregate area of 5 per cent of the surface is affected.
  - (vi) Hail marks provided not more than an aggregate area of 10 per cent of the surface is affected and provided the indentations are slight and the skin is not broken.
  - (vii) Mildew, scab or ink spot and oak bug injury provided not more than an aggregate area of 5 per cent of the surface is affected.
  - (viii) Where any peach shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.
- (d) Definition of Terms—"Select," "No. 1" and "No. 2" grades:
- (i) "Mature" means, in the case of peaches grown in British Columbia, that the peach shows a definite break from green in the ground colour and is well filled out for the variety.
  - (ii) "Mature" means, in the case of peaches grown in Ontario, that the peach is well developed and has attained sufficient yellow in the ground colour to indicate that the peach will continue to ripen, but in any event the pressure test through the skin shall not exceed 18 lbs. as indicated by a pressure tester with a  $\frac{5}{16}$  inch plunger.

In order to allow for variations incident to commercial grading, handling and packing, in each of the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay.

**APRICOTS**

**10.** The following shall be the grades for apricots:—

**No. 1 GRADE**

- (a) (i) "No. 1" which shall include only sound, uniformly mature, clean, handpicked, well-formed apricots of one variety; fairly uniform in size and of good colour for the variety;
- (ii) free from all bruises, insect pests, insect injury, hail marks, sun scald, skin punctures or breaks, disease, split stones and gum.
- (iii) free from damage caused by bruises, russeting, limb rub, leaf spray burn, growth checks, mechanical or other means;

**Fruit, Vegetables and Honey Act—continued**

(iv) each apricot shall be of a minimum size of  $1\frac{3}{8}$  inches in diameter, and shall be

(v) properly packed.

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

- (i) Russetting.
- (ii) Apricots with ink spot similar to freckles.
- (iii) Limb rub  $\frac{1}{4}$  inch in the aggregate on the stem end only.
- (iv) Leaf marks  $\frac{1}{4}$  inch in diameter in the aggregate.
- (v) Healed over growth checks  $\frac{1}{4}$  inch in diameter.
- (vi) Spray burn  $\frac{1}{4}$  inch in diameter.
- (vii) Where any apricot shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

**No. 2 GRADE**

- (b) (i) “No. 2” which shall include only sound, mature, clean, hand-picked, well-formed apricots of one variety;
- (ii) free from all insect pests, insect injury, skin punctures or breaks;
- (iii) free from damage caused by bruises, russetting, limb rub, leaf marks, hail marks, growth checks and disease;
- (iv) each apricot shall be of a minimum size of  $1\frac{1}{4}$  inches in diameter, and shall be
- (v) properly packed.

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

- (i) Slight handling and package bruises such as are incident to good commercial handling in the preparation of a tight pack.
- (ii) Russetting.
- (iii) Limb rub and leaf mark not exceeding 15 per cent of the surface.
- (iv) Hail marks not exceeding 15 per cent of the surface and provided the indentations are slight and the skin is not broken.
- (v) Healed over growth checks.
- (vi) Apricots with ink spots similar to freckles.
- (vii) Mildew not exceeding 15 per cent of the surface.
- (viii) Slightly deformed apricots where not more than 15 per cent of the surface is affected.
- (ix) Where any apricot shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

**No. 3 GRADE**

(c) “No. 3” shall in all respects be the same as No. 2, except:—

- (i) Hail marks are allowed provided they do not cover more than an aggregate area of 25 per cent of the surface;
- (ii) shall not be packed in the four-basket crate, and shall not be tiered.

**Fruit, Vegetables and Honey Act—continued**

In order to allow for variations incident to commercial grading, handling and packing, in each of the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade, but not to exceed one-half of this tolerance shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay.

**PLUMS AND FRESH PRUNES**

**11.** The following shall be the grades for plums and fresh prunes:—

**SELECT GRADE**

- (a) (i) "Select" which shall include only sound, mature, clean, well-formed fruit of one variety, of superior size and colour for the variety;  
 (ii) free from all russetting, insect pests, bruises, stings;  
 (iii) free from damage caused by disease, insect or other means, and shall be  
 (iv) properly packed;  
 (v) plums and prunes packed under this grade shall be table-graded.

"Damage". The following shall not be considered as damage for the purposes of this grade:—

Any injury from the causes mentioned which is not apparent in the process of proper handling and grading.

In order to allow for variations incident to proper grading and handling not more than 5 per cent by count of any lot may be below the requirements of this grade, but not to exceed one-half of this tolerance shall be allowed for any one defect.

**No. 1 GRADE**

- (b) (i) "No. 1" which shall include only sound, mature, clean, well-formed fruit of one variety, of good colour and size for the variety;  
 (ii) free from all purple spot, plum rot, insect pests, insect injury, limb rub, leaf mark, hail marks, sun scald, skin punctures, skin breaks, disease, growth cracks, drought spots;  
 (iii) free from damage caused by bruises, russetting, superficial cracks and stemless specimens, and shall be  
 (iv) properly packed.

*Definition of Terms.*—"No. 1" Grade.

- (i) "Good colour for the variety":

For Italian type prunes means not less than 75 per cent characteristic colour; for all other varieties of prunes and for plums means colour characteristic of the variety when mature.

- (ii) "Good size for variety":

For Italian type prunes means a minimum of 1½ inches, being the greatest measurement at right angles to a line running from stem to blossom end.

For plums and prunes when packed in tiers in four-basket crates, means a minimum size of 5 x 6; for all other plums and prunes, means the normal size of a fully developed specimen of the variety.

- (iii) "Italian type" means prunes that are "freestone."

**Fruit, Vegetables and Honey Act—continued**

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

- (i) Bruises, slight handling and package bruises such as are incident to good commercial handling in the preparation of a tight pack.
- (ii) Russeting when the aggregate area is not more than 10 per cent of the surface.
- (iii) For peach plums only, a cheek one-quarter inch in length at the calyx end of the fruit is permitted, provided the flesh is not exposed.
- (iv) Stemless plums or prunes when the stem has been pulled and the skin is not torn beyond the stem basin.
- (v) Where any plum or fresh prune shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

**No. 2 GRADE**

- (c) (i) “No. 2” which shall include only sound, mature, clean, well-formed fruit of one variety, and of fair colour for the variety;
  - (ii) free from all insect pests, insect injury, skin punctures, purple spot, plum rot, skin breaks, disease;
  - (iii) free from damage caused by bruises, russeting, limb rub, leaf marks, sun scald, growth cracks, drought scars, stemless specimens, and shall be
  - (iv) properly packed.
- (2) Plums and fresh prunes meeting the requirements of this grade may be marked “Domestic” when packed in baskets or hampers.

*Definition of Terms*—“No. 2” Grade.

- (i) “Fair colour for the variety”:

For Italian type prunes means not less than 50 per cent characteristic colour.

For all other varieties of prunes and for plums means colour characteristic of the variety when mature.

- (ii) “Italian type” means prunes that are “freestone”.

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

- (i) Bruises, slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack, and provided that not more than 15 per cent of the surface is affected.
- (ii) Russeting not exceeding an aggregate area of 25 per cent of the surface.
- (iii) Limb rub or leaf mark not exceeding an aggregate area of 15 per cent of the surface.
- (iv) Hail marks which slightly indent the fruit and do not affect more than 15 per cent of the surface in the aggregate.
- (v) Sun scald where the normal colour is not materially changed and the skin is not blistered or cracked.
- (vi) Growth cracks, one growth crack not exceeding one-quarter inch in length is permitted, provided it is well healed and shallow.
- (vii) Drought, provided not more than 10 per cent of the surface is affected.



**Fruit, Vegetables and Honey Act—continued**

- (viii) Scars not to exceed an aggregate area of 15 per cent of the surface.
- (ix) Stemless plums or prunes where the stem has been pulled and the skin is not torn beyond the stem basin.
- (x) Where any plum or fresh prune shows two or more of the defects permitted, the total area affected shall not exceed the maximum allowed for any one defect.

In order to allow for variations incident to commercial grading, handling and packing, not more than 10 per cent by count or weight of any lot may be below the requirements of the foregoing grades, but not to exceed one-half of this tolerance shall be allowed for any one defect, except that not more than 3 per cent of the entire lot may be affected with decay.

**CHERRIES**

**12.** The following shall be the grades for cherries:—

**SELECT GRADE**

- (a) (i) “*Select*” which shall include only sound, mature, handpicked, clean, sweet cherries of one variety, of superior size and colour for the variety, with stems attached;
- (ii) free from insect pests;
- (iii) free from damage caused by disease, insect or other means, and shall be
- (iv) properly packed;
- (v) only sweet cherries may be packed under this grade and such shall be table graded.

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

Any injury from the causes mentioned which is not apparent in the process of proper grading and handling.

In order to allow for variations incident to commercial grading and handling not more than 5 per cent by count or weight of any lot may be below the requirements of this grade, but not exceeding one-half of this tolerance shall be allowed for any one defect except that not more than 1 per cent of the entire lot may be affected with brown rot or decay.

**No. 1 GRADE**

- (b) (i) “*No. 1*” which shall include only sound, mature, handpicked, clean cherries of one variety, of good colour and fair size for the variety; with stems attached;
- (ii) free from bruises, insect pests, insect injury, hail marks, skin breaks, disease, gum, twigs, sawdust, and shall be
- (iii) properly packed;
- (iv) sweet cherries packed in six-quart climax baskets shall be table graded.

**No. 2 GRADE**

- (c) (i) “*No. 2*” which shall include only sound, mature, handpicked, clean cherries of one variety;
- (ii) free from insect pests, insect injury, disease;
- (iii) free from damage caused by bruises, skin breaks and hail marks, and shall be
- (iv) properly packed.

**Fruit, Vegetables and Honey Act—continued**

(2) Cherries meeting the requirements of this grade may be marked "Domestic" when packed in baskets or hampers.

"Damage." The following shall not be considered as damage for the purposes of this grade:—

- (i) Bruises, slight handling and package bruises such as are incident to good commercial handling and packing.
- (ii) Skin breaks, provided they do not involve an aggregate area of more than  $\frac{1}{8}$  inch in diameter.
- (iii) Hail marks are allowed provided they do not cover more than an aggregate area of 25 per cent of the surface.

In order to allow for variations incident to commercial grading and handling not more than 10 per cent by count or weight of any lot may be below the requirements of No. 1 or No. 2 grade, but not exceeding one-half of this tolerance shall be allowed for any one defect, except that not more than 1 per cent of the entire lot may be affected with brown rot or decay.

**CANTALOUPE**

**13.** The following shall be the grades for cantaloupes:—

**No. 1 GRADE**

- (a) (i) "No. 1" which shall include only sound, mature, clean, well-formed cantaloupes of one variety, of fairly uniform size and well netted for the variety;
- (ii) free from all insect pests, insect injury, disease, sun scald, cracks, moisture injury, hail marks and mechanical injury, and shall be
- (iii) properly packed.

*Definition of Terms*—"No. 1" Grade

- (i) "Mature" means cantaloupes which have reached the stage of development at which the flesh is palatable and that the juice of the edible portion of the fruit contains not less than 10 per cent soluble solids as determined by the Brix Hydrometer.
- (ii) "Well netted" means having netted characteristics of a well developed specimen of the variety.

**No. 2 GRADE**

- (b) (i) "No. 2" which shall include only sound, mature, clean cantaloupes of one variety;
- (ii) free from all insect pests, and shall be
- (iii) properly packed.
- (iv) This grade shall be permitted only during such periods as may be prescribed by the Department.

*Definition of Terms*—"No. 2" Grade

- (i) "Mature" means cantaloupes which have reached the stage of development at which the flesh is palatable and that the juice of the edible portion of the fruit contains not less than 10 per cent soluble solids as determined by the Brix Hydrometer.

In order to allow for variations incident to commercial grading, handling and packing in the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade, but not to exceed one-half of this tolerance shall be allowed for any one defect except that not more than 3 per cent of the entire lot may be affected with decay.

**Fruit, Vegetables and Honey Act—continued****GRAPES**

14. The following shall be the grades for grapes:—

**No. 1 GRADE**

- (a) (i) “No. 1” which shall include only sound, mature, clean fully developed grapes of one variety, of good colour for the variety and reasonably well filled bunches for the variety;  
(ii) free from crushed, split or dried berries, hail marks;  
(iii) free from damage caused by disease and insect injury, and shall be  
(iv) properly packed.  
(v) Grapes of this grade shall not be packed in baskets of greater than 6 quarts capacity.

**Definition of Terms—“No. 1” Grade**

- (i) “Mature” means that the fruit has reached that stage where the normal process of ripening has developed a reasonably full flavour for the variety.

“Damage.” The following shall not be considered as damage for the purposes of this grade:—

- (i) Disease or insect injury, which does not materially affect the appearance or the edible or shipping quality of the grapes.  
(ii) Mildew which does not affect the appearance of the berries and of which there are only slight traces on the inside of the bunch.

**No. 2 GRADE**

- (b) (i) “No. 2” which shall include only sound, mature, clean grapes of one variety, of fair colour and size for the variety;  
(ii) free from crushed or split berries, and shall be  
(iii) properly packed.

Grapes meeting the requirements of this grade may be marked “Domestic” when packed in baskets or hampers.

**Definition of Terms—“No. 2” Grade**

- (i) “Mature” means that the fruit has reached that stage where the normal process of ripening has developed a reasonably full flavor for the variety.

In order to allow for variations incident to commercial grading, handling and packing, in the foregoing grades, 10 per cent by weight of any lot may be below the requirements of the grade, but not to exceed one-half of this tolerance shall be allowed for any one defect, except that no more than 3 per cent of the entire lot may be affected with decay, and excepting further that the full 10 per cent tolerance shall be allowed for crushed or split berries in No. 2 or Domestic grade when in packages larger than 6 quarts capacity.

**FIELD TOMATOES**

15. The following shall be the grades for field tomatoes:—

**SELECT GRADE**

- (a) (i) “Select” which shall include only sound, smooth, clean, well-formed tomatoes of one variety, which have reached a uniform state of development that will conform to one of the following maturities: “Mature”, “Turning”, “Semi-ripe” and “Firm-ripe”;

**Fruit, Vegetables and Honey Act—continued**

- (ii) free from blossoms and stem ends, scald, growth cracks, water blisters, ground spots, or other scars which indent or mis-shape the tomatoes;
- (iii) free from damage caused by disease, insects or other means, and shall be
- (iv) properly packed; and
- (v) of a minimum size of  $2\frac{1}{4}$  inches and a maximum size of  $2\frac{1}{2}$  inches in diameter or of a minimum size of  $1\frac{3}{4}$  inches and a maximum size of  $2\frac{1}{4}$  inches in diameter, except that
- (vi) a minimum of  $1\frac{1}{2}$  inches and a maximum size of  $1\frac{3}{4}$  inches is permitted, provided that in addition to all other marks required, the packages are marked with the minimum and the maximum sizes.

*Definition of Terms*—"Select" Grade

"Damage" shall mean any injury from the causes mentioned which is apparent in the process of proper grading and handling.

In order to allow for variations incident to proper grading and handling not more than 5 per cent by count of any lot may be below the requirements of this grade, but not to exceed one-half of this tolerance shall be allowed for any one defect.

NO. 1 GRADE

- (b) (i) "No. 1" which shall include only sound, reasonably smooth, clean, well-formed tomatoes of similar varietal characteristics, which have reached a uniform state of development that will conform to one of the following maturities: "Mature", "Turning", "Semi-ripe" and "Firm-ripe";
- (ii) free from disease, scald, water blisters, ground spots, stem ends and worm holes, growth cracks and other scars which are likely to cause leaking or materially affect the appearance of the tomatoes;
- (iii) free from damage caused by blossom end, plant or stem rub and insect injury, and shall be
- (iv) properly packed, and
- (v) of a minimum size of 2 inches in diameter except that
- (vi) of a minimum size of  $1\frac{1}{2}$  inches and a maximum size of 2 inches is permitted, provided that in addition to all other marks required, the packages are marked with the minimum and maximum sizes.

*Definition of Terms*—"No. 1" Grade

- (i) "Materially affect the appearance of the tomatoes" means concentric scars around the stem end may be permitted provided same do not exceed in the aggregate one complete circle  $1\frac{1}{4}$  inches in diameter or one growth crack radiating from the stem and well healed over and not exceeding  $\frac{3}{4}$  of an inch in length.
- (ii) "Reasonably smooth" means tomatoes may be slightly ridged, angular or indented.

"Damage." The following shall not be considered as damage for the purposes of this grade, provided that not more than 10 per cent by count in any package are so affected:

- (i) Blossom end which does not affect more than 5 per cent of the surface.



**Fruit, Vegetables and Honey Act—continued**

- (ii) Plant or stem rub which when combined does not affect more than 5 per cent of the surface.
- (iii) Insect injury—not more than two well-healed-over stings.

**No. 2 GRADE**

- (c) (i) “No. 2” which shall include only sound, clean tomatoes of similar varietal characteristics, which have reached a uniform state of development that will conform to one of the following maturities: “Mature”, “Turning”, “Semi-ripe”, and “Firm-ripe”;
- (ii) free from rot, water-blisters, open wet cracks, badly misshapen, rough or russeted specimens;
- (iii) free from serious damage caused by bruises, sun scald, cat-faces, growth cracks, disease, insects or other means, and shall be
- (iv) properly packed, and
- (v) of a minimum size of  $1\frac{3}{4}$  inches in diameter.

**Definition of Terms—“No. 2” Grade**

- (i) “*Badly mis-shapen*” means that the tomato is so badly deformed that its appearance is seriously affected.
- (ii) “*Cat-faces*” are irregular, dark, leathery scars and such blossom end scars seriously damage the tomato when greater in area than a circle 1 inch in diameter, or when rough or deep, or when channels extend deeply into the fruit.
- (iii) “*Serious damage*” means any injury or defect which seriously affects the appearance or the edible or shipping quality.

Tomatoes meeting the requirements of this grade may be marked “Domestic” when packed in baskets or hampers.

- (d) **Definition of Terms—“Select”, “No. 1” and “No. 2” grades (applicable at shipping point only):—**
  - (i) “*Mature*” means, except for tomatoes grown in British Columbia, that the tomato shows a definite tinge of pink at blossom end.
  - (ii) “*Mature*” means, in the case of tomatoes grown in British Columbia, that the tomato is fully developed, well filled-out, yields to pressure giving a feeling of springiness, bright waxy in appearance, seeds well developed and with the seed cavities showing a jelly-like consistency. A tolerance of 15 per cent of the next succeeding (Turning) state of maturity shall be allowed.
  - (iii) “*Turning*” means that the tomato shows from a tinge to 25 per cent colour. A combined tolerance of 15 per cent of the preceding (Mature) and the next succeeding (Semi-ripe) state of maturity shall be allowed, except that such tolerance shall be 5 per cent for tomatoes grown in Ontario.
  - (iv) “*Semi-ripe*” means that the tomato shows from 25 per cent to 75 per cent colour. A combined tolerance of 15 per cent of the next preceding (Turning) and the next succeeding (Firm-ripe) state of maturity shall be allowed, except that such tolerance shall be 5 per cent for tomatoes grown in Ontario.
  - (v) “*Firm-ripe*” means that the tomato shows from 75 per cent to full colour. A tolerance of 15 per cent of the next preceding (Semi-ripe) state of maturity shall be allowed, except that such tolerance shall be 5 per cent for tomatoes grown in Ontario.

**Fruit, Vegetables and Honey Act—continued**

In order to allow for variations incident to commercial grading, handling and packing, in the foregoing grades, 10 per cent by count of any lot may be below the requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect, except that not more than 3 per cent of the entire lot may be affected with decay.

16. When immature tomatoes are packed green for pickling purposes they shall in all other respects conform to the requirements of No. 1 or No. 2 grades and in addition to all other marks required each package shall be marked "Picklers" or "Pickling Tomatoes".

**FIELD RHUBARB**

17. The following shall be the grades for field rhubarb:—

**No. 1 GRADE**

- (a) "No. 1" which shall consist of stalks showing not less than one-third red colour, and not less than  $\frac{3}{4}$  inch in diameter or  $2\frac{1}{2}$  inches in circumference at or near the butt end, a minimum length 10 inches over all, the stalks shall be fresh and not wilted, well trimmed, free from stalks pulled from the seed stem, disease, insect and other pests, dirt, trimmings and other foreign matter, and shall be well packed in packages constructed of sound material, clean and of such size as to hold not less than 42 pounds net when packed, except that field rhubarb may be packed in 11-quart veneer-baskets of minimum net weight 12 pounds.

*Definition of Terms*—"No. 1" Grade

- (i) "Well packed" means that the stalks shall be placed one way in the container, that is either all across or lengthwise of the package.
- (ii) "Well trimmed" means that the butt shall be left uncut with the skin removed, and the top with slight prong not exceeding one inch in length, but in the event of the stalk being too long for the container, the *leaf end only* shall be cut.

**No. 2 GRADE**

- (b) "No. 2" which shall consist of stalks free from decay.

In order to allow for variations incident to commercial grading, handling and packing, in No. 1 Grade, 10 per cent by count of any lot may be below requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect except that no decay or stalks below minimum length shall be permitted.

**FORCED RHUBARB**

18. Forced rhubarb shall be advertised, displayed, sold, offered or had in possession for sale, only by weight or by the bunch weighing not more than 17 ounces nor less than 16 ounces when packed but not less than 15 ounces per bunch when offered for retail sale as originally packed.

**STRAWBERRIES**

19. The following shall be the grade for strawberries for fresh fruit purposes when offered for sale on a grade basis:—

**No. 1 GRADE**

- (a) "No. 1" shall consist of strawberries with the cap (calyx) attached, which are well-formed, of good colour, firm but not overripe, free from surface moisture, bruises, bird pecks, mould, and from damage

**Fruit, Vegetables and Honey Act—continued**

caused by sand, disease or other means. The minimum diameter shall be  $\frac{3}{4}$  inch for varieties other than Early Bird, Dunlap and Everbearing which shall be  $\frac{5}{8}$  inch.

*Definition of Terms*—"No. 1" Grade

- (i) "*Damage*" means any injury from the causes mentioned which materially affects the appearance or edible or shipping quality.
- (ii) "*Diameter*" means the greatest dimension at right angles to a straight line running from the stem to the apex.
- (iii) "*Overripe*" means dead ripe, becoming soft, a condition unfit for shipment and necessitating immediate consumption.

In order to allow for variations incident to careful commercial grading and handling, 5 per cent by volume of the berries in any lot may be under the prescribed size, and in addition 10 per cent by volume of the berries in such lot may be below the remaining requirements of the grade.

(2) In addition to other marks required by regulation, each crate shall be plainly marked on one end with the grade designation.

**TOMATOES FOR PROCESSING PURPOSES**

**20.** (1) The following shall be the grades for tomatoes for processing purposes when purchased from the grower on a grade basis:—

**No. 1 GRADE**

- (a) "*No. 1*" which shall consist of tomatoes which are firm, ripe, well coloured, well formed, free from moulds and decay and from damage caused by growth cracks, worm holes, catfaces, sun scald, freezing injury or mechanical or other means.

**No. 2 GRADE**

- (b) "*No. 2*" which shall consist of tomatoes which do not meet the requirements of the foregoing grade, but which are ripe and fairly well coloured and which are free from serious damage from any cause.

**No. 3 GRADE**

- (c) "*No. 3*" or "*Culls*" are tomatoes which do not meet the requirements of the foregoing grades.

(2) *Minimum Size*: The minimum size for each grade may be fixed by agreement between buyer and seller. Tomatoes below this specified size shall be classed as culls.

*Definition of Terms*—

- (i) "*Damage*" means any injury which cannot be removed in the ordinary process of trimming and peeling without a loss of more than 10 per cent (by weight) of the tomato in excess of that which would occur if the tomato were perfect.
- (ii) "*Fairly well coloured*" means that the tomato shows at least two-thirds good red colour.
- (iii) "*Firm*" means that the tomato is not soft, puffy, shrivelled, or water soaked.
- (iv) "*Serious damage*" means any injury which cannot be removed in the ordinary process of trimming and peeling without a loss of more than 20 per cent (by weight) of the tomato in excess of that which would occur if the tomato were perfect.

**Fruit, Vegetables and Honey Act—continued**

- (v) "*Well-coloured*" means that the tomato shows at least 90 per cent good red colour.
- (vi) "*Well-formed*" means that the tomato shall not be extremely flat or otherwise badly misshapen.

**BERRIES AND CURRANTS FOR PROCESSING PURPOSES**

**21.** The following shall be the grades for fresh berries and currants for processing purposes when purchased from the grower on a grade basis:—

**STRAWBERRIES FOR CANNING**

- (a) (i) "*No. 1*" which shall consist of freshly picked, clean, sound, mature strawberries of one variety;
- (ii) free from mould, mildew, stem-rot or other decay, stems, leaves or other foreign matter, green tipped, dried or malformed strawberries (commonly known as monkey-faced or cat-faced berries); and
- (iii) shall be unhulled, unless otherwise specified between the seller and buyer;
- (iv) the diameter shall not be less than  $\frac{5}{8}$ -inch or more than  $1\frac{1}{4}$  inches.

**STRAWBERRIES FOR JAM**

- (b) (i) "*No. 1*" which shall consist of freshly picked, clean, sound, mature, fully red strawberries;
- (ii) free from mould, mildew, stem-rot or other decay, stems, leaves or other foreign matter, green, dried or malformed strawberries (commonly known as monkey-faced or cat-faced berries);
- (iii) shall not be waterlogged;
- (iv) the diameter shall not be less than  $\frac{5}{8}$ -inch;
- (v) shall be unhulled, unless otherwise specified between the seller and buyer.
- (c) (i) "*No. 2*" which shall consist of freshly picked, clean, nearly ripe to fully ripe strawberries;
- (ii) free from mould, mildew, stem rot or other decay, stems, leaves or other foreign matter, green, dried or malformed strawberries (commonly known as monkey-faced or cat-faced berries);
- (iii) shall not be waterlogged;
- (iv) the diameter shall not be less than  $\frac{1}{2}$ -inch;
- (v) shall be unhulled, unless otherwise specified between the seller and buyer.

**RASPBERRIES FOR CANNING**

- (d) (i) "*No. 1*" which shall consist of freshly picked, clean, sound, mature, ripe but firm raspberries of one variety and of good colour;
- (ii) free from mould, mildew or other decay, cores, stems, leaves or other foreign matter, green or dried raspberries; and
- (iii) shall be whole and uniform in size and not less than  $\frac{1}{2}$  inch in diameter



**Fruit, Vegetables and Honey Act—continued**

## RASPBERRIES FOR JAM

- (e) (i) “No. 1” which shall consist of freshly picked, clean, sound, whole, fully ripe raspberries of one variety and of bright red colour;
  - (ii) free from mould, mildew or other decay, cores, stems, leaves or other foreign matter; and
  - (iii) shall not be waterlogged;
  - (iv) the diameter shall be not less than  $\frac{1}{2}$  inch.
- (f) (i) “No. 2” which shall consist of freshly picked, clean, fully ripe raspberries of one variety;
  - (ii) free from mould, mildew or other decay, cores, stems, leaves or other foreign matter, green or dried raspberries.
  - (iii) raspberries in this grade may be soft and slightly darker in colour than No. 1 grade but shall not be broken, matted or waterlogged.

## LOGANBERRIES FOR CANNING

- (g) (i) “No. 1” which shall consist of freshly picked, clean, sound, mature, uniformly coloured loganberries;
  - (ii) free from mould, mildew or other decay, insect injury, sunburn, stems, leaves or other foreign matter, green, dried or malformed loganberries;
  - (iii) the length shall be not less than  $\frac{3}{4}$  inch.

## LOGANBERRIES FOR JAM

- (h) (i) “No. 1” which shall consist of freshly picked, clean, sound, mature loganberries, but not overripe, matted or waterlogged;
  - (ii) free from mould, mildew or other decay, insect injury, sunburn, stems, leaves or other foreign matter, green or dried loganberries.
- (i) (i) “No. 2” which shall consist of freshly picked, clean, ripe loganberries, but not matted or waterlogged;
  - (ii) free from mould, mildew or other decay, stems, leaves or other foreign matter, green or dried loganberries.

## BLACKBERRIES FOR CANNING

- (j) (i) “No. 1” which shall consist of freshly picked, whole, clean, sound, mature, entirely black coloured blackberries of one variety;
  - (ii) free from mould, mildew or other decay, insect injury, sunburn, stems, leaves or other foreign matter, green or dried blackberries;
  - (iii) the diameter shall be not less than  $\frac{5}{8}$  inch.

## BLACKBERRIES FOR JAM

- (k) (i) “No. 1” which shall consist of freshly picked, clean, sound, mature, entirely black coloured blackberries, not waterlogged; and
  - (ii) free from mould, mildew, decay or other disease, insect injury, sunburn, stems, leaves or other foreign matter, green or dried blackberries.

**Fruit, Vegetables and Honey Act—continued**

RED CURRANTS FOR JAM

- (l) (i) "No. 1" which shall consist of freshly picked, clean, mature red currants of good colour.
- (ii) free from sunburn, scab, sweat, mechanical or insect injury, spray, mould, mildew, leaves, dirt or other foreign matter.

BLACK CURRANTS FOR JAM

- (m) (i) "No. 1" which shall consist of freshly picked, clean, mature black currants of good colour.
- (ii) free from sunburn, scab, sweat, mechanical or insect injury, spray, mould, mildew, leaves, dirt or other foreign matter; and
- (iii) shall be stemmed, unless otherwise specified between the seller and buyer.

GOOSEBERRIES

- (n) (i) "No. 1" which shall consist of freshly picked, clean, sound gooseberries of good shape and quality;
- (ii) free from sunburn, scab, sweat, spray, mechanical or insect injury, leaves, dirt or other foreign matter; and
- (iii) of green colour, turning transparent;
- (iv) the diameter shall be not less than  $\frac{3}{8}$  inch.

In order to allow for variations incident to good commercial handling, grading and packing, in each of the foregoing grades, 5 per cent by weight of any lot may be below the requirements of the grade.

HOTHOUSE CUCUMBERS

**22.** The following shall be the grades for hothouse cucumbers grown in British Columbia when packed in closed packages:—

EXTRA FANCY GRADE

- (a) (i) "Extra Fancy" which shall include only mature, sound, well formed cucumbers of similar varietal characteristics, fresh and well coloured;
- (ii) free from blossoms and all defects and shall be
- (iii) properly packed.

FANCY GRADE

- (b) "Fancy" which shall include only cucumbers meeting the requirements of Extra Fancy grade excepting that cucumbers slightly misshapen and pale in colour shall be permitted in this grade.

NO. 3 GRADE

- (c) (i) "No. 3" which shall include only mature, sound cucumbers of similar varietal characteristics, fresh and well coloured;
- (ii) free from blossoms but may include cucumbers not permitted in the foregoing grades but shall not include any specimens which are badly misshapen and shall be
- (iii) properly packed.
- (d) Each standard package shall be marked to show the number of specimens and minimum length contained, or where the word "Large" or "Medium" is included with the grade designation, the number of specimens and the minimum length shall be as follows:

**Fruit, Vegetables and Honey Act—continued**

	<i>White Spine Type</i>	<i>Rochfort or Long Type</i>	<i>Count per package (White Spine Type only)</i>
Extra Fcy. Large ..	12" min.	18" min.	12 or 18 specimens
Extra Fcy. Med. ..	8" min. to 12" max.	16" min.	24 specimens

In order to allow for variations incident to proper grading and handling not more than 2 per cent by count of any lot may be below the requirements of these grades. In addition not more than 5 per cent by count may be below the prescribed minimum size and not more than 5 per cent may be larger than the prescribed maximum size.

Definition of terms as used in these grades:—

(1) "Well formed" means the normal typical shape for the variety and not mis-shapen.

(2) "Similar varietal characteristics" means that the cucumbers are alike as to shape and general characteristics, for example the White Spine type and the Rochfort or long type must not be mixed.

(3) "Fresh" means bright, firm, not wilted or old.

(4) "Well coloured" means that the cucumber shows a good characteristic green colour over practically the entire surface except that area showing characteristic striping.

**HOTHOUSE TOMATOES**

**23.** The following shall be the grades for hothouse tomatoes grown in British Columbia when packed in closed packages:—

**No. 1 GRADE**

- (a) (i) "No. 1" which shall include only sound, smooth, round or slightly oval tomatoes of similar varietal characteristics.
- (ii) uniformly coloured, mature but not over-ripe, of uniform size but in two tier packs size range may be  $\frac{3}{8}$  inch;
- (iii) free from disease, blemishes and damage of any kind, and shall be
- (iv) properly packed in the standard 4-basket crate of  $4\frac{1}{2}$  inches or  $4\frac{3}{4}$  inches depth and each basket of tomatoes shall contain a minimum net weight of 5 pounds with not less than 12 and not more than 28 tomatoes in 2-tier packs or not less than 30 and not more than 44 tomatoes in 3-tier packs.

**DESSERT GRADE**

- (b) (i) "Dessert" which shall include only tomatoes meeting the requirements of No. 1 grade except that each basket shall contain not less than 46 and not more than 75 tomatoes.

**No. 2 GRADE**

- (c) (i) "No. 2" which shall include only sound tomatoes of similar varietal characteristics, mature but not over-ripe;
- (ii) free from badly mis-shapen tomatoes, growth, cracks, disease, and any injury or defect which has penetrated through the outer wall of the tomato, and shall be

**Fruit, Vegetables and Honey Act—continued**

- (iii) properly packed in the standard 4-basket crate of  $4\frac{1}{2}$  inches or  $4\frac{3}{4}$  inches depth and each basket of tomatoes shall contain a minimum net weight of 5 pounds with not less than 12 and not more than 28 tomatoes in 2-tier packs or not less than 30 and not more than 44 tomatoes in 3-tier packs.

**No. 3 GRADE**

- (d) (i) "No. 3" which shall include only tomatoes not graded in conformity with any of the foregoing grades but shall not include tomatoes with growth cracks or open scars or tomatoes misshapen to a degree that they are useless;
- (ii) tomatoes of this grade shall be properly packed in the standard lug of the following dimensions: Length  $15\frac{3}{4}$ "; width  $15\frac{3}{4}$ "; depth  $4\frac{1}{2}$ ".

In order to allow for variations incident to proper grading and handling not more than 2 per cent by count of any lot may be below the requirements of these grades, except that in No. 2 grade an additional 10 per cent shall be allowed for minor sizes, blemishes or other similar defects.

**CRANBERRIES**

**24.** The following shall be the grades for cranberries:—

**No. 1 GRADE**

- (a) (i) "No. 1" shall include only sound, clean, well-formed cranberries, well coloured and fairly uniform in size;
- (ii) free from all insect pests disease, and from damage caused by mechanical or other means.

**No. 2 GRADE**

- (b) (i) "No. 2" shall include only sound cranberries, fairly well coloured;
- (ii) free from insect pests and from serious damage caused by disease, dirt or other foreign matter, mechanical or other means.

In order to allow for variations incident to good commercial handling and packing, in each of the foregoing grades, 15 per cent by weight of any lot may be below the requirements of the grade but not to exceed one-half of this tolerance shall be allowed for any one defect.

Definition of terms as used in these grades:—

- (1) "well coloured" means 80 per cent of the surface shall be a red colour.
- (2) "free from damage" means that the appearance shall not be injured to an extent readily apparent upon careful examination.
- (3) "fairly well coloured" means that not less than 65 per cent of the surface shall be a red colour.
- (4) "free from serious damage" means any defect which materially affects the appearance of edible or shipping quality.

**FOXBERRIES**

**25.** The following shall be the grades for packed foxberries when offered for sale on a grade basis:—

- (a) "No. 1" shall consist of foxberries packed from sound, clean, well-coloured berries, free from decay or frost injury and damage caused by dirt or other foreign matter, disease, insects, mechanical or other means.



**Fruit, Vegetables and Honey Act—continued**

In order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of berries in any package may be below the requirements of this grade and not more than four per cent shall be allowed for decay or frost damage.

“Damage” means any injury from the causes mentioned which materially affects the appearance or the edible or the shipping quality of the lot as a whole or individual packages.

(b) “Unclassified” shall consist of foxberries graded and packed in a manner not in conformity with the foregoing grade requirements.

(2) Pack: Foxberries shall be packed in standard foxberry barrels containing not less than 100 pounds of berries and filled with fresh, clean water.

**STANDARD BARRELS**

(3) Foxberry barrel stock shall be cut, properly seasoned and jointed so as to ensure the construction of a strong, tight package and may be hooped with four metal hoops or eight split wooden hoops and shall be of the following dimensions as nearly as practicable:

Length of stave .....	26 $\frac{3}{4}$ inches
Diameter of head (with croze) .....	15 $\frac{1}{2}$ inches
Circumference at bulge (outside dimensions)	60 $\frac{1}{2}$ inches

Spots showing the diameters in fractions of an inch are herewith illustrated.



**One-eighth inch.**



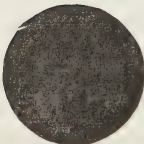
**Three-sixteenths inch.**



**One-fourth inch.**



**One-half inch.**



**Three-fourths inch.**

**Fruit, Vegetables and Honey Act—continued**

**POTATOES**

**26.** (1) The grades for table potatoes are Canada Fancy, Canada No. 1, Canada No. 1 Large, Canada No. 1 Small (for shipment out of Canada) and Canada No. 2.

(2) Canada Fancy Potatoes are:

- (a) potatoes of one variety which are bright, well shaped, mature and firm;
- (b) free from dumbbells, specimens from which knobs have been removed, secondary growth, growth cracks, sprouts, sunburn, hollow heart, sprain (spraing), necrosis, cuts, bruises, freezing injury, dry rot, scab, bacterial ring rot, blight, soft rot, other disease, internal discoloration, insect injury, mechanical injury or other defects;
- (c) of minimum diameter  $2\frac{1}{4}$  inches and maximum diameter  $3\frac{1}{2}$  inches;
- (d) properly packed.

(3) For the purposes of Canada Fancy grade:

- (a) "bright" means free from dirt or other foreign matter, damage or discoloration from any cause, so that the outer skin has the attractive colour normal for the variety;
- (b) "well shaped" means the typical shape for the variety in the district where grown, and free from pointed or excessively elongated and other ill-shaped specimens;
- (c) "mature" means that the outer skin is firm and that there is no evidence of feathering;
- (d) "soft rot" means any soft, mushy condition of the tissue from whatever cause.

(4) Canada No. 1 potatoes are:

- (a) potatoes of similar varietal characteristics which are firm, reasonably mature and reasonably clean;
- (b) free from dumbbells, specimens from which knobs have been removed, sunburn, hollow heart, necrosis, sprain (spraing), freezing injury, bacterial ring rot and soft rot;
- (c) free from damage caused by abnormal growth, growth cracks, cuts, scab, dry rot, blight or other disease, sprouts, insect injury, mechanical or other means;
- (d) of minimum diameter 2 inches and maximum diameter 4 inches with not less than 75 per cent by weight of the potatoes in the lot  $2\frac{1}{4}$  inches or larger in diameter, except that in the case of long shaped varieties the minimum diameter may be  $1\frac{3}{4}$  inches for specimens of not less than  $3\frac{1}{2}$  inches in length;

(e) properly packed.

(5) For the purposes of Canada No. 1 grade:

- (a) "reasonably mature" means that the outer skin does not loosen or feather readily during the ordinary methods of handling;
- (b) "reasonably clean" means that the general appearance is not materially affected and that individual potatoes are not materially caked with dirt or materially stained;
- (c) "soft rot" means any soft, mushy condition of the tissue from whatever cause;

**Fruit, Vegetables and Honey Act—continued**

(d) "damage" means:

- (i) pitted scab or any other form of scab which affects the tissue of the tuber;
- (ii) surface scab of aggregate area greater than 5 per cent of the surface of the individual specimen;
- (iii) surface scab affecting more than 20 per cent of the specimens in any lot;
- (iv) when more than 10 per cent of the potatoes in any lot have sprouts over one inch in length;
- (v) any other injury or defect which causes a waste of more than 5 per cent of the weight of the potato including peel covering the defective area.

(6) Canada No. 1 Large potatoes are potatoes meeting the requirements of Canada No. 1 grade except that the minimum diameter is  $3\frac{1}{4}$  inches.

(7) Canada No. 1 Small potatoes (for shipment out of Canada) are potatoes meeting the requirements of Canada No. 1 grade except that the minimum diameter is  $1\frac{1}{2}$  inches and the maximum diameter is  $2\frac{1}{4}$  inches.

(8) Canada No. 2 potatoes are—

- (a) potatoes of similar varietal characteristics which are reasonably firm, reasonably mature and reasonably clean;
- (b) free from dumbbells, specimens from which the knobs have been removed, sprain (spraing), freezing injury, hollow heart, bacterial ring rot and soft rot;
- (c) free from serious damage caused by sunburn, abnormal growth, growth cracks, cuts, scab, dry rot, blight or other disease, insect injury, mechanical or other means;
- (d) of minimum diameter  $1\frac{3}{4}$  inches with not less than 75 per cent by weight of the potatoes in the lot 2 inches or larger in diameter;
- (e) properly packed;

(9) For the purposes of Canada No. 2 grade—

- (a) "reasonably mature" means that the outer skin does not loosen or feather readily during the ordinary methods of handling;
- (b) "reasonably clean" means that the general appearance is not materially affected and that individual potatoes are not materially caked with dirt;
- (c) "soft rot" means any soft, mushy condition of the tissue from whatever cause;
- (d) "serious damage" means—
  - (i) scab when more than 25 per cent of the surface of the potato in the aggregate is affected;
  - (ii) any other injury or defect which causes a waste of more than 10 per cent of the weight of the potato including peel covering the defective area.

(10) The following shall be allowed as tolerances by weight for variations incident to proper grading and handling:—

- (a) 2 per cent below minimum size and 5 per cent above maximum;
- (b) 1 per cent soft rot other than bacterial ring rot;
- (c) 3 per cent hollow heart, except that in Canada No. 2 grade 10 per cent shall be allowed;
- (d) 4 per cent for other grade defects except that at destination an additional 2 per cent shall be allowed.

**Fruit, Vegetables and Honey Act—continued**

(11) The provisions of this clause with elimination of the words “reasonably mature” shall apply to new potatoes, provided that until August 31 inclusive in each calendar year a minimum diameter of  $1\frac{1}{2}$  inches shall be the only size requirements for new potatoes.

**ONIONS**

**27.** The following shall be the grades for onions:—

- (a) “*Canada No. 1*” shall include only firm, well shaped, well cured onions of similar varietal characteristics, free from doubles and scallions, not sprouted, nor peeled, nor with root growth, free from seed stems, and from damage caused by freezing injury, disease, insects, mechanical or other means, and practically free from dirt, leaves or other foreign matter. In this grade, *unless otherwise specified*, the size range shall be  $1\frac{1}{4}$  to  $1\frac{3}{4}$  inches with the additional grade designation “Small”, or  $1\frac{3}{4}$  inches and up with the additional grade designation “Large”.
- (b) “*Canada No. 2*” shall include only fairly firm, fairly well cured onions of similar varietal characteristics, free from doubles and scallions, and from serious damage caused by root growth or freezing, and from damage caused by disease, insects, mechanical or other means, and practically free from sprouts, dirt, leaves or other foreign matter. In this grade *unless otherwise specified* the size shall not be less than  $1\frac{3}{4}$  inches.

The following shall not be considered serious damage for the purpose of this grade:

- (1) Root growth which has been removed provided the onion is fairly firm.
- (2) Freezing which has caused discoloration of the outer two layers provided the onion is still fairly firm.

The following shall be allowed as tolerances by weight for variations incident to commercial grading and handling:

- (i) 5 per cent below the minimum prescribed or specified size and 5 per cent above the maximum prescribed or specified size;
- (ii) 2 per cent decay;
- (iii) 5 per cent for other grade defects.

Any specified size range other than as prescribed in sub-clause (a) or (b) hereof shall be plainly marked on the container or on a tag attached thereto.

- (c) “*Canada No. 3*” shall consist of onions which are not graded in conformity with any of the foregoing grades but shall be free from decay with a tolerance of 7 per cent for this defect.
- (d) “*Canada No. 1 Pickling*” shall include only firm, well-cured onions of similar varietal characteristics, free from doubles, scallions, and ovoid onions, not sprouted or peeled, nor with root growth, and free from damage caused by freezing injury, disease, insects or other means, and practically free from dirt, leaves or other foreign matter. In this grade, not more than 25 per cent by weight shall be greater than 1 inch in diameter and not more than 3 per cent by weight shall be greater than  $1\frac{1}{4}$  inches in diameter.

In order to allow for variations incident to commercial grading and handling 10 per cent by weight may be of ovoid shape and 5 per cent by



**Fruit, Vegetables and Honey Act—continued**

weight may be below the other quality requirements of this grade, but not more than 2 per cent by weight of the entire lot may be affected with decay.

(2) Definitions of terms:—

- (a) "Well shaped" means having the shape characteristic of the variety, but slightly off type specimens may be permitted.
- (b) "Well cured" means an onion which has the neck well dried out, and is free from damage caused by weather conditions.
- (c) "Doubles" means an onion which has the outer skins broken exposing two centres of growth.
- (d) "Scallion" means an onion which has a thick neck.
- (e) "Practically free" means the appearance shall not be injured to an extent readily apparent on examination.
- (f) "Peeled" means an onion which has lost its outer skins to such a degree that the edible flesh of the onion is exposed.
- (g) An "ovoid" onion is one in which the length of the axis exceeds the diameter by more than  $\frac{1}{4}$  inch.

**TURNIPS or RUTABAGAS**

**28.** (1) The following shall be the grade for waxed or unwaxed table turnips or rutabagas:—

- (a) "*Canada No. 1*" shall consist of turnips which are of similar varietal characteristics, firm, fairly smooth, fairly well shaped and well trimmed; which are free from soft rot and practically free from damage caused by freezing, pithiness, watercore, black rot, dry rot, disease, insects, growth cracks, cuts, dirt, mechanical or other means; and shall be properly packed.

- (b) Turnips shall be packed to one or other of the following size ranges:

2" to 4"

3½" to 5"

4" to 6"

5" and up

(except that until August 31 inclusive in each crop year a size range of 3" to 5½" is permitted).

Turnips packed to the above size ranges may be designated for trade purposes as Small, Small Medium, Medium and Large respectively.

For variations incident to commercial grading and handling, the following shall be allowed by count of specimens in any container:

- (i) 5 per cent (at least one specimen)  $\frac{1}{4}$ " smaller and 5 per cent (at least one specimen)  $\frac{1}{2}$ " smaller than the prescribed minimum diameter;
- (ii) 15 per cent  $\frac{1}{4}$ " larger and 5 per cent  $\frac{1}{2}$ " larger than the prescribed maximum diameter;
- (iii) 10 per cent for other grade defects but not more than one-half of this amount or 5 per cent for specimens affected with soft rot.
- (c) At the time of packing or initial shipment the above tolerances for defects shall not be exceeded in any package; at other times, however, individual packages in any lot may contain not more than one and one-half times the tolerances specified provided that the average for the entire lot is within the tolerances permitted.

**Fruit, Vegetables and Honey Act—continued**

- (2) Definition of terms:
  - (a) "Waxed" means that the turnips have been completely immersed in wax solution.
  - (b) "Similar varietal characteristics" means that the turnips in any package are of similar colour and shape; that is, bronze top not mixed with purple tops, nor globe type with long type.
  - (c) "Firm" means that the turnips are not soft or shrivelled.
  - (d) "Fairly well shaped" means that the turnips are reasonably regular in contour and that the length of the trimmed specimen is not more than one and one-half times the diameter.
  - (e) "Well trimmed" means that the top is trimmed to not more than a maximum of  $\frac{3}{4}$ " in length, that unattractive secondary rootlets have been removed and that any objectionably long or coarse tail-like part of the root has been cut off except that for the waxed product the stalk and root only may be cut back and the lower half of the turnip smoothly but not deeply trimmed to remove surface blemishes.
  - (f) "Soft Rot" means any soft mushy condition of the tissue.
  - (g) "Practically free from damage" means:
    - (i) That any external injury from the causes mentioned does not affect in the aggregate more than 25% of the lower half of the turnip, and/or which does not cause a waste of more than 5% by weight, including peel covering defective area;
    - (ii) That any internal injury from insects, freezing, pithiness, black rot, water core, or other diseases does not affect the edible or shipping quality of the turnip and/or which does not cause a waste of more than 5% by weight of the turnip.

**CELERY**

**29.** (1) The following shall be the grades for celery:—

- (a) "*Canada No. 1*" shall consist of well trimmed stalks, fairly well bleached, not wilted, pithy, or badly spread, and free from damage caused by seed stems, freezing, blight, rust, heart rot, disease, mechanical, insects, mollusks, or other means; properly packed, and of fairly uniform size. When tops have not been generally clipped back the minimum stalk length shall be 18 inches or not less than 15 inches when the tops have been clipped back.

In order to allow for variations incident to commercial packing 5 per cent by count may be shorter than the minimum stalk length provided.

- (b) "*Canada No. 2*" shall consist of stalks which do not meet the requirements of *Canada No. 1*, but shall be free from heart-rot and seed stems.
- (c) "*Canada No. 1 Heart*" shall consist of well trimmed stalks, fairly well bleached, not wilted, pithy, or badly spread and free from damage caused by seed stems, freezing, blight, rust, heart rot, disease, mechanical, insect, mollusks or other means, and properly packed.

In order to allow for variations incident to proper grading and handling in each of the above grades, 10 per cent by count of the stalks in any lot may be below requirements of the grade, but not to exceed one-half of this tolerance shall be allowed for any one defect.

**Foreign Exchange Control Act—continued****(2) Definition of Terms:—**

- (a) "Well trimmed" means that the outside coarse and damaged branches have been removed and the portion of the main root remaining is not more than 3 inches in length, except that in the case of celery intended for storage the length of the root shall not apply.
- (b) "Stalk" means an individual plant.
- (c) "Pithy" means that the branches have an open texture with air spaces in the central portion; the stalk shall not be considered pithy unless more than two branches are so affected.
- (d) "Free from damage" means that the celery shall not be injured to an extent readily apparent upon examination.
- (e) "Badly spread" means open stalks where the inner heart branches are not of a reasonable number, length and stockiness.
- (f) "Seed stems" means those stalks which have seed stems showing or in which the formation of seed stems has plainly begun.
- (g) "Mechanical" means that the celery shall be free from cuts, bruises and broken branches.
- (h) "Insects or mollusks" means when the edible part of any branch other than the outer one is affected or when the outer branches have more than a total of one square inch affected.
- (i) "Fairly uniform" means that the stalks in each package or crate shall be of approximately the same diameter and length.
- (j) "Fairly well bleached" means, except celery intended for storage and Utah or green type celery, that the stalks are of a light greenish to white colour.
- (k) "Stalk length" means the distance from where the main root is cut off to a point which represents the average length of the longest branches and leaves.

**BEETS****30. (1) The grades for topped beets are Canada No. 1 and Canada No. 2.****(2) Canada No. 1 beets are:**

- (a) beets of similar varietal characteristics which are firm but not woody, well trimmed, fairly smooth, well shaped and reasonably clean;
- (b) free from decay and freezing injury;
- (c) free from damage caused by sunburn, sprouts, cuts, growth cracks, insects, rodents, disease, mechanical or other means;
- (d) of minimum diameter  $1\frac{1}{4}$  inches and maximum diameter 3 inches *unless otherwise specified*, when the minimum diameter shall be 1 inch;
- (e) properly packed.

(3) Any specified size other than as prescribed in sub-clause (2) (d) hereof shall be plainly marked on the container or on a tag attached thereto.

**(4) for the purposes of Canada No. 1 grade:**

- (a) "similar varietal characteristics" means that the beets in any package are of the same general type; for example, flat types such as the Egyptian variety shall not be mixed with globular or semi-globular type beets;
- (b) "firm" means that the beet is not soft, flabby or shrivelled;

**Fruit, Vegetables and Honey Act—continued**

- (c) "well trimmed" means that the tops are trimmed to not more than one-half inch in length;
- (d) "fairly smooth" means that the beet is not rough, ridged or misshapen. Slight roughness over the crown or slight pitting caused by shedding of dead leaves shall not be considered as injury to the appearance;
- (e) "well shaped" means having the shape characteristic of the variety, but slightly off-type specimens shall be permitted;
- (f) "reasonably clean" means that the general appearance is not materially affected and that individual beets are not materially caked with dirt or materially stained;
- (g) "decay" means decay from whatever cause;
- (h) "damage" means any injury from the causes mentioned which materially affects the appearance, edible or shipping quality of the individual beet, or which cannot be removed without a loss of more than 5 per cent of the total weight of the beet.
- (5) Canada No. 2 beets are:
  - (a) beets of similar varietal characteristics which are firm, but not woody, well trimmed, not badly misshapen;
  - (b) free from decay and freezing injury;
  - (c) free from serious damage caused by dirt, sprouts, cuts, growth cracks, insects, rodents, disease, mechanical or other means;
  - (d) of minimum diameter  $1\frac{1}{4}$  inches *unless otherwise specified*, when the minimum diameter shall be 1 inch.
  - (e) properly packed.
- (6) For the purposes of Canada No. 2 grade:
  - (a) "similar varietal characteristics" means that the beets in any package are of the same general type; for example, flat types such as the Egyptian variety shall not be mixed with globular or semi-globular type beets;
  - (b) "firm" means that the beet is not soft, flabby or shrivelled;
  - (c) "well trimmed" means that the tops are trimmed to not more than one-half inch in length;
  - (d) "badly misshapen" means that the beet is so misshapen as to materially affect its appearance or which causes a loss of more than 10 per cent of the total weight of the beet;
  - (e) "decay" means decay from whatever cause;
  - (f) "serious damage" means any damage from the causes mentioned which seriously affects the appearance of the individual beet, or which cannot be removed without a loss of more than 10 per cent of the total weight of the beet.
- (7) The following shall be allowed as tolerances by weight for variations incident to commercial grading and handling;
  - (a) 4 per cent below the prescribed or specified minimum size and 8 per cent above the prescribed or specified maximum size;
  - (b) 2 per cent decay;
  - (c) 6 per cent for other grade defects.



**Fruit, Vegetables and Honey Act—continued****CARROTS**

**31.** (1) The grades for topped carrots are Canada No. 1, Canada No. 1—Cut Crowns, and Canada No. 2.

(2) Canada No. 1 carrots are:

- (a) carrots of similar varietal characteristics which are firm but not woody, well trimmed, fairly smooth, well shaped and reasonably clean;
- (b) free from decay and freezing injury;
- (c) free from damage caused by sunburn, sprouts, cuts or cut crowns, growth cracks, insects, rodents, disease, mechanical or other means;
- (d) of minimum length  $3\frac{1}{2}$  inches;
- (e) of minimum and maximum diameters, *unless otherwise specified*—
  - $\frac{3}{4}$  to  $1\frac{3}{4}$  inches with the additional grade designation “Small”;
  - $1\frac{1}{4}$  to  $2\frac{1}{4}$  inches with the additional grade designation “Medium”;
  - $1\frac{3}{4}$  to  $2\frac{3}{4}$  inches with the additional grade designation “Large”;
- (f) properly packed.

(3) Canada No. 1—Cut Crowns are carrots which otherwise meet all the requirements of Canada No. 1 Grade, but with the crown or shoulder removed.

(4) Any specified size range other than as prescribed in sub-clause (2) (e) hereof shall be plainly marked on the container or on a tag attached thereto.

(5) For the purposes of Canada No. 1 grade:

- (a) “similar varietal characteristics” means that the carrots in any package are of the same general type; for example, short and long type varieties shall not be mixed;
- (b) “firm” means that the carrot is not soft, flabby or shrivelled;
- (c) “well trimmed” means that the tops are trimmed to not more than one-half inch in length;
- (d) “fairly smooth” means that the carrot is not rough, forked or misshapen, or covered with secondary rootlets;
- (e) “well shaped” means having the shape characteristic of the variety, but slightly off-type specimens shall be permitted;
- (f) “reasonably clean” means that the general appearance is not materially affected and that individual carrots are not materially caked with dirt or materially stained;
- (g) “decay” means decay from whatever cause;
- (h) “damage” means injury from the causes mentioned which materially affects the appearance, edible or shipping quality of the individual carrots, or which cannot be removed without a loss of more than 5 per cent of the total weight of the carrot.

(6) Canada No. 2 carrots are:

- (a) carrots of similar varietal characteristics which are firm, but not woody, well trimmed, not badly misshapen;
- (b) free from decay and freezing injury;
- (c) free from serious damage caused by dirt, sprouts, cuts, growth cracks, insects, rodents, disease, mechanical or other means;
- (d) of minimum diameter 1 inch.

**Fruit, Vegetables and Honey Act—continued**

- (e) properly packed.
- (7) For the purposes of Canada No. 2 grade:
  - (a) "similar varietal characteristics" means that the carrots in any package are of the same general type; for example, short and long type varieties shall not be mixed;
  - (b) "firm" means that the carrot is not soft, flabby or shrivelled;
  - (c) "well trimmed" means that the tops are trimmed to not more than one-half inch in length;
  - (d) "badly misshapen" means that the carrot is so forked or misshapen as to materially affect its appearance, or to cause a loss of more than 10 per cent of the total weight of the carrot;
  - (e) "decay" means decay from whatever cause;
  - (f) "serious damage" means any damage from the causes mentioned which seriously affects the appearance of the individual carrot, or which causes a loss of more than 10 per cent of the total weight of the carrot.
- (8) Carrots may be designated as "Washed Carrots" only if washed prior to being packed.
- (9) The following shall be allowed as tolerances by weight for variations incident to commercial grading and handling:
  - (a) 4 per cent below the prescribed or specified minimum size and 8 per cent above the prescribed or specified maximum size;
  - (b) 2 per cent decay;
  - (c) 6 per cent for other grade defects.

PARSNIPS

- 32.** (1) The grades for topped parsnips are Canada No. 1 and Canada No. 2.
- (2) Canada No. 1 parsnips are:
    - (a) parsnips of similar varietal characteristics which are firm but not woody, well trimmed, fairly smooth, fairly well shaped and reasonably clean;
    - (b) free from decay and freezing injury;
    - (c) free from damage caused by discoloration, sprouts, cuts, growth cracks, pithiness, insects, rodents, disease, mechanical or other means;
    - (d) of minimum length 5 inches;
    - (e) of minimum diameter  $1\frac{3}{4}$  inches and maximum diameter 4 inches;
    - (f) properly packed.
  - (3) For the purposes of Canada No. 1 grade:
    - (a) "similar varietal characteristics" means that the parsnips in any package are of the same general type;
    - (b) "firm" means that the parsnip is not soft, flabby or shrivelled;
    - (c) "well trimmed" means that the tops are trimmed to not more than three-quarters inch in length;
    - (d) "fairly smooth" means that the parsnip is not rough, ridged, or covered with secondary rootlets;
    - (e) "fairly well shaped" means that the parsnip is not turnip-shaped or so forked or misshapen as to materially affect its appearance;

**Fruit, Vegetables and Honey Act—continued**

- (f) "reasonably clean" means that the general appearance is not materially affected and that individual parsnips are not materially caked with dirt or materially stained;
- (g) "decay" means decay from whatever cause;
- (h) "damage" means any injury from the causes mentioned which materially affects the appearance, edible or shipping quality of the individual parsnip, or which cannot be removed without a loss of more than 5 per cent of the total weight of the parsnip.
- (4) Canada No. 2 parsnips are:
  - (a) parsnips of similar varietal characteristics which are firm but not woody, well trimmed, not badly misshapen;
  - (b) free from decay and freezing injury;
  - (c) free from serious damage caused by discoloration, dirt, secondary roots, bruises, cuts, growth cracks, pithiness, insects, rodents, disease, mechanical or other means;
  - (d) of minimum diameter  $1\frac{1}{4}$  inches;
  - (e) properly packed.
- (5) For the purposes of Canada No. 2 grade:
  - (a) "similar varietal characteristics" means that the parsnips in any package are of the same general type;
  - (b) "firm" means that the parsnip is not soft, flabby or shrivelled;
  - (c) "well trimmed" means that the tops are trimmed to not more than three-quarters inch in length; except that occasional uncut leaves or leafstems or new top growth exceeding this length which does not materially damage the appearance of the lot shall be permitted;
  - (d) "badly misshapen" means that the parsnip is so forked or misshapen as to materially affect its appearance, or to cause a loss of more than 10 per cent of the total weight of the parsnip;
  - (e) "decay" means decay from whatever cause;
  - (f) "serious damage" means any damage from the causes mentioned which seriously affects the appearance of the individual parsnip, or which cannot be removed without a loss of more than 10 per cent of the total weight of the parsnip.
- (6) The following shall be allowed as tolerances by weight for variations incident to commercial grading and handling:
  - (a) 4 per cent below the prescribed minimum size and 8 per cent above the prescribed maximum size;
  - (b) 2 per cent decay;
  - (c) 6 per cent for other grade defects.

**CABBAGE****33. (1) The following shall be the grades for cabbage:—**

- (a) "*Canada No. 1*" shall consist of heads of cabbage which are of similar type, fairly uniform in size, reasonably firm and well trimmed, not withered or burst; free from soft rot and seed stems, and free from damage caused by discoloration, freezing, disease, insects or mechanical or other means.
- (b) "*Canada No. 2*" shall consist of heads of cabbage which are of similar type, reasonably firm and well trimmed, not withered or

**Fruit, Vegetables and Honey Act—continued**

burst; free from soft rot and seed stems and free from serious damage caused by discoloration, freezing, disease, insects or mechanical or other means.

In order to allow for variations incident to proper grading and handling, not more than 10 per cent by weight of any lot may be below the requirements of the grade but not more than one-fifth of this tolerance, or 2 per cent, shall be allowed for decay.

(2) Definition of terms:—

- (a) "Similar type" means that the lot may be of the pointed, flat, savory or red type as the case may be.
- (b) "Reasonably firm" means that the heads yield slightly to pressure, but are not soft.
- (c) "Well trimmed" means that all outer leaves injured by worm, disease or other means are removed and the stem not longer than  $\frac{1}{2}$  inch.
- (d) "Seed stems" means heads which have seed stalks showing or where the formation of the seed stalk is plainly indicated.
- (e) "Free from damage" means that the heads shall not be injured to an extent readily apparent upon examination.
- (f) "Free from serious damage" means that any damage from the causes mentioned may be removed with a loss of not more than 15 per cent of the edible portion.

**HEAD LETTUCE**

**34.** (1) The following shall be the grades for head lettuce:—

- (a) "*Canada No. 1*" shall consist of heads of lettuce of similar varietal characteristics, fairly uniform in size, fresh and firm, which are not split or burst, and which are free from decay, tipburn, seed stems, russet, brown blight, doubles, and from damage caused by broken mid-ribs, freezing, dirt, sunburn, discoloration, disease, aphids or other insects, or mechanical or other means. Each head shall be reasonably well trimmed.
- (b) "*Canada No. 1, Roots Attached*" shall consist of heads of lettuce which meet all the requirements of Canada No. 1 grade except that "Reasonably well trimmed" shall not apply.
- (c) "*Canada No. 2*" shall consist of heads of lettuce of similar varietal characteristics, fresh, which are not split or burst and which are free from decay, tipburn, seed stems, russet, brown blight, doubles, and from serious damage caused by broken mid-ribs, freezing, dirt, sunburn, discoloration, disease, aphids or other insects, or mechanical or other means. Each head shall be reasonably well trimmed. Not less than 75 per cent of heads of Iceberg type lettuce shall be firm and the rest shall be fairly firm, and heads of Big Boston type shall be fairly firm.

In order to allow for variations incident to proper grading and handling, not more than 10 per cent by count of any lot may be below the requirements of the above grades but not more than one-half of this tolerance, or 5 per cent shall be allowed for decay affecting the compact portion of the head. Of the tolerance for decay, not more than two-fifths, or 2 per cent, shall be allowed for slimy decay.



**Fruit, Vegetables and Honey Act—continued****(2) Definition of terms:—**

- (a) "Similar varietal characteristics" means that the heads in any package have the same characteristic leaf growth. For example, lettuce of the Iceberg and Big Boston types must not be mixed.
- (b) "Fresh" means that the head is crisp, although the wrapper leaves may be slightly wilted.
- (c) "Firm" as applied to heads of Iceberg type lettuce means that the head is compact and yields only slightly to pressure; as applied to heads of Big Boston type lettuce, means that the head is fairly compact.
- (d) "Burst" means that the head is broken open.
- (e) "Free from seed stems" means heads in which the seed stems are not showing, or in which the formation of seed stems is not distinctly indicated.
- (f) "Doubles" means two heads on the same stem.
- (g) "Damage" means any injury which materially affects the appearance or the edible or the shipping quality.
- (h) "Reasonably well trimmed" means that the butt is trimmed off close to the point of attachment of the outer leaves, that the coarse outer leaves have been removed, and that heads of Iceberg type do not have more than 12 wrapper leaves.
- (i) "Wrapper Leaves" means all leaves which do not closely unfold the compact portion of the head.
- (j) "Fairly firm" means that although the head is not firm, it is not soft or spongy.
- (k) "Free from serious damage" means free from any injury which causes loss of a portion of the edible part of the head.

**ASPARAGUS****35. (1) The following shall be the grades for asparagus:—**

- (a) "*Canada No. 1 Large*" shall consist of fresh, well-trimmed stalks of asparagus which are not badly crooked, which do not have broken or spreading tips, and which are free from decay and from damage caused by dirt, disease, insects, mechanical or other means. The base of each stalk shall be over  $\frac{3}{8}$  inch in diameter and the length shall be not less than  $5\frac{3}{4}$  inches and at least 85 per cent of the length of each stalk shall be green.
- (b) "*Canada No. 1, Medium*" shall consist of fresh, well-trimmed stalks, which do not have broken or spreading tips and which are free from decay and from damage caused by dirt, disease, insects, mechanical or other means. The base of each stalk shall be not less than  $\frac{1}{4}$  inch in diameter and the length shall be not less than  $5\frac{1}{2}$  inches and at least 85 per cent of the length of each stalk shall be green.
- (c) "*Canada No. 1*" shall consist of stalks of asparagus packed only in the 11-quart veneer basket and which are of fairly uniform length; each stalk shall be not less than  $\frac{3}{8}$  inch in diameter and with the exception of length and size shall meet all the requirements of Canada No. 1 Large grade. The minimum weight of each basket containing bunched asparagus shall be not less than 12 pounds net when packed or at time of initial shipment.

**Fruit, Vegetables and Honey Act—continued**

In order to allow for variations incident to commercial grading and handling not more than 5 per cent by count of any lot may be below the size requirements. In addition, not more than 10 per cent by count of any lot may be below the remaining requirements of these grades but no part of this tolerance shall be allowed for decay.

- (d) "*Canada No. 2*" shall include all asparagus which does not comply with the requirements of Canada No. 1 grade, Medium or Large, but shall be free from decay and from serious damage, and at least 85 per cent of the length of each stalk shall be green.

(2) When asparagus is packed, transported, advertised, displayed, sold, offered or had in possession for sale by the bunch, each bunch shall weigh 8 ounces or 16 ounces excepting that when offered for retail sale as originally packed each bunch shall not weigh less than 7 ounces or 14 ounces respectively.

- (3) Definition of terms:—

- (a) "well trimmed" means that the butts of the stalks shall be smoothly and evenly cut and free from stringy or frayed ends.
- (b) "badly crooked" means that the stalk is so misshapen or curved that its appearance is seriously affected.
- (c) "damage" means any injury from the causes mentioned which materially affects the appearance or the edible or shipping quality of the asparagus.
- (d) "fairly uniform length" means the stalks in a package shall not vary more than  $1\frac{1}{2}$  inches in length.

**BLUEBERRIES**

**36.** The following shall be the grade for blueberries (including blueberries frozen but not otherwise processed if packed in containers of greater than 20 lbs. capacity) when offered for sale on a grade basis:—

**No. 1 GRADE**

- (a) (i) "*No. 1*" which shall include only sound, well formed blueberries, well coloured and fairly uniform in size, dry except if packed in leakproof containers or if frozen;
- (ii) apparently free from insect pests and disease and free from green berries, leaves, stems, dirt or other foreign matter;
- (iii) free from damage caused by mechanical or other means and shall be
- (iv) properly packed.

In order to allow for variations, other than insect pests, incident to proper grading and handling, not more than 10 per cent by weight of the berries in any lot may be below the requirements of this grade, but not more than one-half of this tolerance or 5 per cent shall be allowed for any one defect except that not more than 1 per cent shall be allowed for green berries.

Definition of terms:—

- (i) "well coloured", except for frozen blueberries, means mature light blue colour with not less than eighty per cent of the surface showing natural bloom.
- (ii) "free from damage" means that the appearance shall not be injured to an extent readily apparent upon careful examination.

**Fruit, Vegetables and Honey Act—continued****D. PACKAGES**

1. All produce packages manufactured in Canada or for use in Canada shall be of the dimensions specified in these regulations; except that the Department may authorize the manufacture and experimental use of other packages if identified and distributed as prescribed by such authorization.

2. (1) Produce for which standard packages are provided in these regulations shall be packed only in packages identified in these regulations for each individual kind of fruit or vegetable. Packages hereinafter prescribed but not identified with a certain kind of produce may be used for any produce.

(2) Fruit for which grades are prescribed by the Act and regulations thereunder when shipped or transported in bulk shall be enclosed in one or other of the packages hereinafter standardized for such kind of fruit except that fruit for processing purposes shall be exempt from the provisions of this sub-clause.

3. No package shall be used, transported, offered for sale or sold as a container for produce which is damaged sufficiently that the shipping or marketing quality of produce packed therein may be injuriously affected.

4. (1) All material manufactured for use in the construction of standard produce packages made of wood shall be good, sound, seasoned, strong and clean, and shall be as nearly as practicable of the dimensions specified in these regulations.

(2) Apple, pear and potato barrel stock shall be cut, properly seasoned and jointed so as to ensure the construction of a firm, tight, standard package; apple and pear barrels shall be free from discoloration.

(3) Material used in the manufacture of boxes, crates or lugs shall not contain more than one loose knot in each piece of shook, which shall be not more than  $1\frac{1}{4}$  inches in diameter, except that in the case of cherry lugs, it shall be not more than  $\frac{3}{4}$  of an inch in diameter, and such knot in any piece of shook shall be at least  $\frac{1}{2}$  inch from any edge.

5. Not more than one cleat at each end shall be used under the cover on any box or lug, such cleat to be not more than  $\frac{5}{16}$  inch in depth, except that the depth of cleat shall not apply for large size peaches, apricots and plums.

6. The dimensions for barrels, half-barrels and bushel barrels apply to packages made from hardwood and when made from softwood where the thickness of the head is increased it is necessary to lengthen the stave so as to ensure the prescribed distance between heads and circumference at bilge.

7. When fruit is packed in packages having trays or fillers wherein it is intended to have a separate compartment for each fruit, the provisions of these package regulations shall not apply.

8. The following shall be the weights and, as nearly as practicable, the dimensions and capacities of the packages specified herein. Unless otherwise stated all dimensions are inside measurements:—

- (1) (a) *Apple and Pear Barrels*—7,056 cubic inches—which shall be the standard barrel also for potatoes, including seed potatoes.
- |  |                         |
|--|-------------------------|
| Length of stave .....                              | 28 $\frac{1}{2}$ inches |
| Diameter of head .....                             | 17 $\frac{1}{8}$ inches |
| Distance between heads .....                       | 26 inches               |
| Circumference at bilge (outside measurements) .... | 64 inches               |

**Fruit, Vegetables and Honey Act—continued**

(b) *Apple and Pear Half-Barrels*—3,528 cubic inches.

Length of stave .....	22½ inches
Diameter of head .....	14 inches
Distance between heads .....	20 inches
Circumference at bilge (outside measurements) ....	51½ inches

(c) *Apple and Pear Bushel-Barrels*—2,218 cubic inches.

Length of stave .....	13¼ or 18 inches
Diameter of head .....	15 or 12½ inches
Distance between heads .....	12¼ or 16 inches
Circumference at bilge (outside measurements) ....	52 or 45 inches

(d) *Apple Box*—2,174 cubic inches

Length .....	18 inches
Width .....	11½ inches
Depth .....	10½ inches

(e) *Apple Half-box*—931½ cubic inches.

Length .....	18 inches
Width .....	11½ inches
Depth .....	4½ inches

(f) *Apple Crate*—2,431 cubic inches.

Length .....	17 inches
Width .....	13 inches
Depth of ends .....	11 inches
Depth of sides (9½" piece set up ¾") .....	10¼ inches

(g) *Apple Half-crate*—1,233 cubic inches.

Length .....	13 inches
Width .....	11½ inches
Depth of ends .....	8¼ inches
Depth .....	8½ inches

(2) (a) *Pear, Green Tomato and Crabapple Box*—1,759½ cubic inches.

Length .....	18 inches
Width .....	11½ inches
Depth of sides (6¾" piece set up ¾") .....	7½ inches

(b) *Pear Half-box*—983 cubic inches.

Length .....	18 inches
Width .....	11½ inches
Depth .....	4¾ inches

(3) *Peach Boxes* shall be one or other of the following dimensions:—

Length 16⅞ in., width 13¾ in., depth 5¾ in.
Length 16⅞ in., width 11½ in., depth 4, 4¼, 4½, 4¾, or 5 in.

(4) *Apricot, Plum and Prune Boxes* shall be one or other of the following dimensions:

*Length 18 in., width 11½ in., depth 3¼ in.
Length 16⅞ in., width 13¾ in., depth 5¾ in.
Length 16⅞ in., width 11½ in., depth 4½ in.
†Length 16⅞ in., width 10 in., depth 3⅜ in.
‡Length 16⅞ in., width 9½ in., depth 4⅞ in.

\*May be used for apples, single layer.

†Half-inch cleat must be used.

‡May be used for crabapples.



**Fruit, Vegetables and Honey Act—continued**

(5) *Cherry Boxes and Lugs* shall be one or other of the following dimensions:

- Length  $16\frac{1}{8}$  in., width  $13\frac{3}{4}$  in., depth  $5\frac{3}{4}$  in.
- Length  $16\frac{1}{8}$  in., width  $9\frac{1}{2}$  in., depth  $4\frac{1}{8}$  in.
- \*Length 15 in., width  $10\frac{3}{4}$  in., depth  $3\frac{1}{8}$  in.
- Length 13 in., width 6 in., depth 3 in.

\*Quarter-inch cleat must be used.

(6) *Hothouse or Field Tomato Packages* shall be one or other of the following dimensions:—

- Length  $16\frac{1}{8}$  in., width  $13\frac{3}{4}$  in., depth  $5\frac{3}{4}$  in.
- Length  $15\frac{3}{4}$  in., width  $15\frac{3}{4}$  in., depth  $4\frac{1}{4}$ ,  $4\frac{1}{2}$  or  $4\frac{3}{4}$  in.

(7) *Cucumber Boxes* shall be one or other of the following dimensions:—

(i) Field Cucumbers—

Length  $16\frac{1}{8}$  in., width  $11\frac{1}{2}$  in., depth 4,  $4\frac{1}{4}$ ,  $4\frac{1}{2}$ ,  $4\frac{3}{4}$  or 5 in.

(ii) Hothouse Cucumbers—

White Spine Type—Length 17 in., width  $15\frac{3}{4}$  in., depth  $5\frac{1}{4}$  in.

Rochfort or Long Type—Length 18 in., width  $11\frac{1}{2}$  in., depth  $4\frac{1}{2}$  in., OR Length 23 in., width 9 in., depth  $6\frac{1}{4}$  in.

(8) *Cantaloupe Crates* shall be one or other of the following dimensions:—

- Length 21 in., width 12 in., depth  $11\frac{1}{2}$  in.
- Length 21 in., width 12 in., depth  $4\frac{1}{4}$  in.
- Length 21 in., width 12 in., depth 4 in.
- Length 21 in., width 13 in., depth 13 in.
- Length 18 in., width  $15\frac{1}{4}$  in., depth 12 in.

(9) (a) *Berry Boxes*—67·2 cubic inches.

Round corners: Inside top band to be  $19\frac{5}{8} \times \frac{1}{2} \times \frac{1}{30}$ ; bottom  $4\frac{3}{8} \times 4\frac{3}{8}$ ; depth inside  $2\frac{1}{16}$ ; thickness of veneer  $\frac{1}{24}$  inch, minimum.

Square corners: Inside top band to be  $20 \times \frac{1}{2} \times \frac{1}{30}$ ; bottom  $4\frac{3}{8} \times 4\frac{3}{8}$ ; depth inside 3; thickness of veneer  $\frac{1}{24}$  inch, minimum.

(b) *Berry Boxes*—33·6 cubic inches.

Round corners: Inside top band to be  $15\frac{5}{8} \times \frac{7}{16} \times \frac{1}{30}$ ; bottom  $3\frac{1}{2} \times 3\frac{1}{2}$ ; depth inside  $2\frac{5}{16}$ ; thickness of veneer  $\frac{1}{26}$  inch, minimum.

Square corners: Inside top band to be  $16 \times \frac{7}{16} \times \frac{1}{30}$ ; bottom  $3\frac{1}{2} \times 3\frac{1}{2}$ ; depth inside  $2\frac{9}{16}$ ; thickness of veneer  $\frac{1}{26}$  inch, minimum.

(c) *Shallow Hallock*—67·2 cubic inches.

Top 5 by 5; depth inside  $2\frac{1}{16}$ ; depth outside  $3\frac{1}{2}$ ; thickness of veneer  $\frac{1}{20}$ .

(d) *Shallow Hallock*—33·6 cubic inches.

Top 5 by 5; depth inside  $1\frac{6}{16}$ ; depth outside  $1\frac{7}{8}$ ; thickness of veneer  $\frac{1}{20}$ .

(e) *Shallow Hallock*—33·6 cubic inches.

Top  $5\frac{1}{4}$  by  $5\frac{1}{4}$ ; depth inside  $1\frac{7}{32}$ ; depth outside  $1\frac{3}{4}$ ; thickness of veneer  $\frac{1}{20}$ .

(f) *Deep Hallock*—33·6 cubic inches.

Top  $4\frac{3}{8} \times 4\frac{3}{8}$ ; depth inside  $1\frac{1}{2}\frac{1}{16}$ ; depth outside  $2\frac{1}{2}$ ; thickness of veneer  $\frac{1}{20}$ .

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(g) *Berry Crates* shall be one or other of the following:—

- 12 pints (1 tier)
- 12 quarts (1 tier)
- 24 pints (2 or 3 tiers)
- 24 quarts (2 or 3 tiers)
- 27 quarts (3 tiers)
- 32 pints (4 tiers)
- 32 quarts (4 tiers)
- 36 pints (3 tiers)
- 36 quarts (3 tiers)

(10) *4-Basket Crate*.

Basket  $7\frac{1}{2}$  by  $7\frac{1}{2}$  inches (at the top) by  $6\frac{1}{2}$  by  $6\frac{1}{2}$  inches (at the bottom),  $3\frac{3}{4}$  inches deep (measured perpendicularly). Tin tops  $7\frac{1}{2}$  by  $7\frac{1}{2}$  inches (at the top),  $6\frac{1}{2}$  by  $6\frac{1}{2}$  inches (at the bottom), and  $3\frac{3}{4}$  inches deep (measured perpendicularly). Crates are  $15\frac{3}{4}$  inches by  $15\frac{3}{4}$  inches by  $4\frac{1}{4}$  or  $4\frac{1}{2}$ , or  $4\frac{3}{4}$  inches.

(11) (a) *Bushel Hamper*—2,181 cubic inches.

Dimensions:—

- Diameter at top 17 inches.
- Diameter at bottom  $14\frac{3}{4}$  inches.
- Depth 11 inches (Solid or raised veneer bottom type).
- Depth, inside wall  $11\frac{1}{4}$  inches. (Continuous stave type).

(b) *Bushel Hamper*—"export" Type—*Straight Stave*.

Dimensions:—

- Diameter at top 17 inches.
- Diameter at bottom 14 inches.
- Depth  $11\frac{1}{4}$  inches.

(c) *Half-Bushel Hamper*—*Straight Side* (Continuous Stave or Solid Bottoms).

Dimensions:—

- Diameter inside at top  $13\frac{1}{2}$  inches.
- Depth inside to top of hoop 9 inches.
- Diameter at bottom  $11\frac{1}{2}$  inches.

(12) *Wood Veneer Baskets* shall be of the following dimensions and specifications:—

(a) *2-Quart*—Bottom  $9\frac{7}{8}$  inches in length and  $3\frac{5}{8}$  inches in width and  $\frac{3}{8}$  inch in thickness, minimum, with a corner radius to provide for a straight side measurement at the end of  $1\frac{7}{8}$  inches and at the side 8 inches. Basket to be constructed over a form measuring  $10\frac{3}{4}$  inches in length and  $4\frac{1}{4}$  inches in width at top and of such depth, including brads, as shall ensure a basket of  $3\frac{1}{2}$  inches deep perpendicularly. Veneer to measure 20 to the inch, minimum.

Handles  $15\frac{3}{4}$  inches in length, maximum, measuring 16 to the inch, minimum, and  $\frac{3}{4}$  inch in width, minimum.

(b) *6-Quart*—Bottom  $13\frac{3}{4}$  inches in length and  $5\frac{7}{8}$  inches in width and  $\frac{3}{8}$  inch in thickness minimum, with a uniform corner radius to provide for a straight line measurement at the end of 2 inches, minimum, and at the side  $9\frac{7}{8}$  inches, minimum; the basket to be constructed over a form measuring  $14\frac{1}{2}$  inches in length and  $6\frac{5}{8}$

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inches in width at top, with a corner radius of  $1\frac{3}{4}$  inches and of such depth including brads, as shall ensure a basket  $4\frac{1}{2}$  inches deep perpendicularly. Veneer to measure 16 to the inch, minimum, but may be 20 to the inch minimum where made from hard maple, beech or birch.

Handles to be  $20\frac{1}{2}$  inches in length and not less than 1 inch nor more than  $1\frac{1}{4}$  inches in width and measuring eight to the inch, minimum, in thickness.

Cover, length  $15\frac{1}{2}$  inches, width  $6\frac{7}{8}$  inches, sides measuring 2 inches wide when properly seasoned; veneer to measure 10 to the inch; when two thicknesses are used, 18 to the inch. Ends to measure 12 to the inch.

- (c) *11-Quart*—Bottom  $16\frac{5}{8}$  inches in length and  $6\frac{5}{8}$  inches in width and  $\frac{3}{8}$  inch in thickness, minimum, with a uniform corner radius to provide for a straight line measurement at the end of 2 inches, minimum, and at the side 12 inches, minimum; the basket to be constructed over a form measuring  $17\frac{5}{16}$  inches in length and  $7\frac{5}{16}$  inches in width at top, with a corner radius of  $1\frac{3}{4}$  inches, and of such depth including brads, as shall ensure a basket 6 inches deep perpendicularly, the depth of such form exclusive of brads, to be not less than  $5\frac{1}{8}$  inches. Veneer to measure 16 to the inch, minimum.

Handles to be  $25\frac{1}{2}$  inches in length, maximum, and one and one-fourth inches in width, minimum, measuring 7 to the inch, minimum.

Cover, length  $18\frac{1}{2}$  inches, width  $7\frac{11}{16}$  inches, side measuring 2 inches wide when properly seasoned; veneer to measure 10 to the inch; when two thicknesses are used, 18 to the inch. Ends to measure 12 to the inch.

- (d) *20-Quart*—Bottom  $16\frac{5}{8}$  inches in length and  $6\frac{5}{8}$  inches in width and  $\frac{3}{8}$  inch in thickness, minimum, with a uniform corner radius to provide for a straight line measurement at the end of two inches, minimum, and at the side 12 inches, minimum; the basket to be constructed over a form measuring  $17\frac{5}{16}$  inches in length and  $7\frac{5}{16}$  inches in width at top with a corner radius of  $1\frac{3}{4}$  inches and of such depth including brads as shall ensure a basket  $8\frac{1}{2}$  inches deep perpendicularly, the depth of such form, exclusive of brads, to be not less than  $5\frac{1}{8}$  inches. Veneer to measure 16 to the inch, minimum.

Handles to be 33 inches in length maximum and  $1\frac{1}{4}$  inches in width minimum measuring seven to the inch minimum.

Cover, length  $18\frac{1}{2}$  inches, width  $7\frac{11}{16}$  inches, sides measuring 2 inches wide when properly seasoned; veneer to measure 10 to the inch; when two thicknesses are used, 18 to the inch. Ends to measure 12 to the inch.

- (e) *Tarlatan (leno)* or transparent covers —To be cut at right angles and with the weave or mesh of the cloth to the following dimensions: 6-quart size—length 20 inches, width 12 inches; 11-quart size—length 24 inches, width 13 inches.

No Tarlatan (Tarleton) used for covering fruit packages shall be made of a mesh closer in weave than 14 x 14 to the square inch; and no reddish or orange colour shall be used except No. 6 shade red-orange.

**Fruit, Vegetables and Honey Act—continued**

- (13) *20-Quart Wood Veneer Tapered Field or Orchard Basket.*

Dimensions:—

- (a) Diameter at top,  $14\frac{1}{4}$  inches.
- (b) Depth (measured perpendicularly),  $12\frac{3}{4}$  inches.
- (c) Diameter at bottom, 9 inches.

- (14) (a) *Celery Crates.*—Shall be one or other of the following dimensions:—

- Length  $19\frac{1}{2}$  in., width 12 in., depth 18 in. (B.C.)
- Length 21 in., width 12 in., depth 20 in. (Ont.)
- Length 21 in., width 9 in., depth 20 in. (Que.)

Note.—Depth of crates may be increased or reduced according to length of celery.

- (b) *Celery Flats.*—Shall be one or other of the following dimensions:—

- Length 22 in., width 12 in., depth  $3\frac{3}{4}$  in.
- Length  $28\frac{1}{2}$  in., width 12 in., depth  $3\frac{3}{4}$  in.
- or depth  $4\frac{3}{4}$  in.
- or depth  $6\frac{3}{4}$  in.

- (15) *Cabbage Crates.*—Shall be one or other of the following dimensions:—

- Length,  $15\frac{1}{4}$  in., width 12 in., depth 18 in.
- Length 27 in., width 15 in., depth 15 in.
- Length  $26\frac{1}{2}$  in., width 13 in., depth 17 in.
- Length  $26\frac{1}{2}$  in., width 17 in., depth  $19\frac{1}{2}$  in.
- Length  $21\frac{1}{2}$  in., width 14 in., depth  $13\frac{1}{2}$  in.
- \*Length  $21\frac{1}{2}$  in., width  $17\frac{1}{2}$  in., depth 13 in.

\* $\frac{1}{2}$ " or  $\frac{3}{4}$ " cleat may be used.

- (16) (a) *Head Lettuce Crates.*—Shall be one or other of the following dimensions:—

- Length  $24\frac{1}{2}$  in., width 18 in., depth 13 in.
- \*Length  $21\frac{1}{2}$  in., width  $17\frac{1}{2}$  in., depth 13 in.
- \* $\frac{1}{2}$ " or  $\frac{3}{4}$ " cleat may be used.

- (b) *Head Lettuce Flats.*—Shall be one or other of the following dimensions:—

- Length  $28\frac{1}{2}$  in., width 21 in., depth  $5\frac{1}{2}$  in.
- Length  $28\frac{1}{2}$  in., width 11 in., depth  $5\frac{1}{2}$  in.

- (17) (a) When onions or turnips are packed in cotton, jute or mesh bags, the following shall be the standard net weights:—

- (i) *Onions*—5 pounds; 10 pounds; 25 pounds; 50 pounds; 75 pounds and 100 pounds.
- (ii) *Turnips*—25 pounds; 50 pounds and 100 pounds.

- (b) When potatoes are packed in bags, the following shall be the standard net weights:—

- (i) *Cotton, Jute or Mesh Bags*—15 pounds; 25 pounds; 50 pounds; 75 pounds and 100 pounds.
- (ii) *Paper Bags (Pre-packaged)* 5 pounds; 10 pounds; 15 pounds; 25 pounds and 50 pounds.

- (18) *Table and Certified Seed Potato Crate:*—

- (a) Dimensions shall be  $28 \times 14\frac{1}{2} \times 14\frac{1}{2}$  inches, with ends and centre partition  $\frac{3}{4}$  inch thick.

- (19) *Cranberry boxes*—Shall be one or other of the following dimensions:—

- (a)  $\frac{1}{8}$  barrel box—730·4 cubic inches: length  $11\frac{7}{8}$  in., width  $8\frac{3}{8}$  in., depth  $7\frac{1}{2}$  in.



**Fruit, Vegetables and Honey Act—continued**

- (b)  $\frac{1}{4}$  barrel box—1,456·9 cubic inches: length 15 in., width  $10\frac{1}{2}$  in., depth  $9\frac{1}{4}$  in.

**E. MARKING**

1. (1) Every person who packs, ships, transports, sells, offers for sale or has in possession for sale any fruit or vegetable in a closed package shall mark the package with his initials and full surname and address (or in the case of a firm or corporation, with the firm or corporate name and address), a proper designation of the grade of the fruit or vegetable as named and defined in the regulations respecting grades.

(2) Such marks shall include, if the produce be—

- (i) apples and pears, the name of the variety excepting pears in wood veneer baskets ;
- (ii) peaches other than Yellow freestone type, the words "Yellow Cling," or "White Flesh," as the case may be;
- (iii) cantaloupes, other than salmon flesh type, the words "Green flesh";
- (iv) potatoes, the words "table potatoes" and the net weight when packed in bags or crates;
- (v) onions, turnips, carrots, beets and parsnips in bags, boxes or crates, the net weight of contents;
- (vi) beets, carrots, onions and parsnips, when the size is specified same to be marked on each package or tag;
- (vii) celery, the number of stalks, contained, with a variation allowed of 5 per cent by count;
- (viii) potatoes or turnips packed by any person or persons other than the person shown as the packer, shipper or dealer, a number or other mark on each package identifying the packer thereof and the loader or shipper shall include in each car a loading sheet giving the number of bags of each such number of mark.

(3) The grade of any vegetable shipped in bulk in carloads shall be included on the invoice, the bill of lading and the waybill.

(4) Spanish type onions grown in Canada from imported or certified seed may be so designated only by marking or otherwise employing the words "Spanish type onions, grown in Canada (or the province)."

2. (1) Every person who packs, ships, transports, sells, offers for sale or has in his possession for sale any fruit or vegetable in an open package shall mark the package with the initials of his Christian names and his full surname and address, or in the case of a firm or corporation, with the firm or corporate name and address.

(2) All marks required on closed packages as provided by these regulations shall also apply to open packages of apples, cantaloupes, tomatoes or celery.

3. The marks on all packages except wood veneer baskets containing apples marked No. 1 or Domestic shall include an indication of the minimum and maximum size of the apples unless the minimum size is  $2\frac{1}{2}$  inches or larger when the marking may be  $2\frac{1}{2}$  inches up,  $2\frac{3}{4}$  inches up as the case may be.

4. (1) In addition to other marks required all closed packages (except the 4-basket crate and wood veneer basket) containing fruit (except tomatoes, apricots, unwrapped apples and plums) packed in tiers shall be marked with the number of specimens in each package.

**Fruit, Vegetables and Honey Act—continued**

(2) In addition to other marks required, all closed 4-basket crates containing apricots and plums packed in tiers shall be marked with the number of specimens on the top layer of the basket each way as follows: 4 by 4; 4 by 4 by 5; 5 by 5; or as the case may be. These packs shall not be more than three layers deep. In order to achieve uniformity in sizing, the pack may be broken once in each basket.

5. In addition to other marks required each closed package of field rhubarb shall be marked with the minimum net weight of 42 pounds, provided that closed 11-quart wood veneer baskets shall be marked with the minimum net weight of 12 pounds.

6. Any person dealing wholesale in fruit or vegetables who uses a number to designate his packers or shippers shall submit annually to the Department a register of such numbers in numerical sequence and shall immediately notify of any additions or transfers in such lists. All packages shall be marked with the name and address of the person dealing wholesale and the correct number allotted.

7. Any person using a label on produce packages may at any time be required to submit same to the Department for approval.

8. (1) Every manufacturer of standard barrels, half-barrels or bushel barrels shall cause each package to be marked on the side of the barrel with the words "manufactured by" and with the initials of his Christian names and the full surname and address.

(2) Each bundle of barrel hoops, heads or staves shall be marked to identify the manufacturer thereof.

9. Except in the province of British Columbia packages of apples held in storage for shipment out of Canada shall, until the apples are packed for such shipment, be marked to indicate the orchard in which the apples were grown.

10. All marks required by these regulations, other than as specified in clause 9, shall be—

- (a) indelible, plain, and of size reasonably in proportion to the size of the package, label or stencil;
- (b) placed on one end of boxes, crates, lugs or headed barrels;
- (c) placed on the lid, handle or one end of other packages;
- (d) in the case of bags, stencilled, printed, interwoven or on a suitable tag attached.

(2) Except that the grade designation shall be marked on the package itself, a label may be used in the case of wood veneer baskets with transparent covers if such label is placed directly under and is plainly legible through the cover.

11. Lithographed or printed labels may be used on boxes and if of durable material and varnished may be used on barrel heads.

**F. EXPORTS AND IMPORTS**

1. (1) No common carrier shall receive for carriage or carry out of Canada and no person shall for trade purposes ship, consign or transport out of Canada any fruit or vegetables produced in Canada of kind as follows:—apples, apricots, asparagus, beets or carrots without tops, cabbage, cantaloupes, celery, cherries, grapes, head lettuce, onions without tops, parsnips,

**Fruit, Vegetables and Honey Act—continued**

peaches, pears, plums, prunes, potatoes, rhubarb (field grown), rutabagas or tomatoes, or extracted honey produced in Canada, nor shall Collectors of Customs and Excise permit exportation thereof unless accompanied by evidence of Government inspection as follows:—

- (a) Export Inspection Certificate signed by an inspector of the Fruit and Vegetables Division, or
- (b) “Inspected” card issued for the purpose at the inspector’s convenience, or
- (c) Notation upon the shipping bill and way bill of the number and date of the inspection certificate submitted or verified for the purpose to the billing agent by the inspector.

(2) Subject to the provisions of Clause 12 of the Inspection regulations, inspectors shall issue Export Inspection Certificates for such produce only as follows:—

- (a) Apples or pears meeting the requirements of Extra Fancy, Fancy, Combination Fancy-C or “C” grade if packed in boxes or of No. 1 or Domestic grade if packed in barrels, hampers or crates.
- (b) Potatoes meeting the requirements of Canada Fancy, Canada No. 1, Canada No. 1 Large or Canada No. 1 Small grade;
- (c) Other fruit, vegetable or honey meeting the requirements of their respective grades.

2. No person shall for trade purposes import nor shall Collectors of Customs and Excise accept entry of fruit or vegetables of any kind named in Clause 1 hereof unless such entry is accompanied by a Government Inspection Certificate that at the place and time of direct shipment or movement to Canada the produce “meets Canadian import requirements,” as follows:—

- (a) Apples shall not be below the requirements of Domestic grade if in barrels, hampers or crates, or “C” grade if in boxes;
- (b) Potatoes shall not be below the requirement of Canada No. 1 grade;
- (c) Other fruit and vegetables shall not be below the requirements of the lowest grade established for movement of such produce between provinces in Canada.

3. Importations from the United States of America may be considered in compliance with the foregoing if the accompanying Government Inspection Certificate is endorsed by the inspector “meets Canadian import requirements” as follows:—

- (a) Apples shall meet the requirements of one or other of the following grades, namely U.S. Fancy, U.S. No. 1 or U.S. Commercial, of  $2\frac{1}{4}$  inch minimum diameter or 234 box count size, and additionally the condition requirements of “Standards for Export” as defined by the United States Department of Agriculture;
- (b) Pears shall meet the requirements of one or other of the following grades, namely, U.S. Extra No. 1, U.S. No. 1, U.S. Combination or U.S. No. 2, with condition defects after storage or transit not exceeding 5 per cent, but not more than  $\frac{3}{8}$  of this tolerance or 3 per cent shall be allowed for decay or internal breakdown;
- (c) Potatoes shall not be below the requirements of U.S. No. 1 grade, Size A, according to the Official Standards for Potatoes, U.S.



**Fruit, Vegetables and Honey Act—continued**

Department of Agriculture, provided that until August 31 inclusive in each calendar year a minimum diameter of  $1\frac{1}{2}$  inches is the only size requirement for new potatoes.

- (d) Other fruit and vegetables (named in Clause 1 hereof) shall meet the requirements of one of the grades established by the United States Department of Agriculture for the product.

4. Government inspection required by clauses 2 and 3 hereof may be obtained:—

- (a) where the shipment or movement originates; or
- (b) if not obtainable where the shipment or movement originates, at a point intermediate to the Canadian frontier port of entry; or
- (c) if not obtainable as provided in paragraphs (a) or (b) hereof, inspection under this Act may be obtained at the Canadian port of entry if an inspection point.

5. Excepting produce manifested upon the port of entry in Canada, Collectors of Customs and Excise shall accept entry only of produce (named in Clause 1 hereof) in packages officially stamped "Inspected for Export".

6. No produce shall be shipped out of or into Canada in packages so stained, soiled, warped or otherwise deteriorated as materially to affect its appearance or saleability.

7. Notwithstanding anything to the contrary in the package regulations contained, produce may be imported and sold in any package standardized by the country of origin for such kind of produce but not standardized under the Act provided such produce does not enter into competition with the same kind of produce of Canadian origin.

8. Packages containing original or repacked imported fruit or vegetables shall be marked to indicate the country of origin.

9. (1) Notwithstanding anything in these regulations and except as provided in sub-clauses (3) and (4), no person shall for trade purposes import nor shall Collectors of Customs and Excise accept entry of fresh fruit or vegetables of kinds grown in Canada unless such entry is accompanied by conclusive evidence that the importer purchased such goods not later than 24 hours, exclusive of Sundays and legal holidays, after time of shipment from the point of production.

(2) Not later than the second business day after shipment from the point of origin the importer shall furnish to the Collector written notice of the transaction together with a standard confirmation of sale, exchange of telegrams or other contract with the vendor as evidence of such purchase; the Collector shall time stamp such written notice and return one copy to the importer to be attached to the customs entry.

(3) Other than straight carlot shipments originating at any point intermediate to the point of production may be imported with no one product of a kind grown in Canada exceeding one-third by weight of the entire lot of fresh fruit and vegetables tendered for import; written notice of such shipments shall be furnished to the Collector at the time of purchase, as prescribed in sub-clause (2), or, in the case of movement by truck, by telegram from the person making the customs entry to the Collector at the border port of entry.

(4) A quantity not exceeding 2,000 pounds of products of kinds grown in Canada may be entered at Customs by or on behalf of one person in any one day, but not more than one entry under this sub-clause may be made in respect of any one vehicle in any one day.



**Fruit, Vegetables and Honey Act—continued**

**10.** (1) No person shall import extracted honey for trade purposes except in accordance with the following provisions:

- (a) the quality of the honey shall not be below the minimum grade requirements established by the Honey Regulations;
- (b) the containers shall be of one of the sizes specified in the Honey Regulations;
- (c) the labels on the containers shall be plainly and indelibly marked with the word “Honey”, the initials and full surname and address of the packer or first dealer, the net weight of the contents and the name of the country of origin preceded by the words “Product of” in block letters of not less than the following sizes:
  - (i) on containers of one pound or smaller  $\frac{3}{32}$  of an inch in length;
  - (ii) on containers of more than one pound and not more than eight pounds,  $\frac{1}{8}$  of an inch in length;
  - (iii) on containers of more than eight pounds,  $\frac{1}{4}$  of an inch in length;
- (d) the outer wrapper or enclosure of the container or lot of containers shall be plainly and indelibly marked with the word “Honey”, the initials and full surname and address of the packer or first dealer, the number of containers in the wrapper or enclosure, the net weight of the honey wrapped or enclosed and the name of the country of origin preceded by the words “Product of” in block letters not less than  $\frac{3}{8}$  of an inch in length.

(2) No person shall for trade purposes import and no Collector of Customs and Excise shall accept entry of any extracted honey unless such entry is accompanied by an affidavit in duplicate, taken before a Justice of the Peace or other person duly authorized in the country of origin to attest such affidavit, in the following form:

Place .....

Date .....

To the Collector of Customs and Excise,  
Dominion of Canada,

I (or We) ..... hereby declare (a) that the honey described herein is pure honey as defined by Regulation under the Food and Drugs Act of the Dominion of Canada; (b) that the honey is at time of shipment sound, wholesome and fit for human food; (c) that the honey was packed under the sanitary conditions provided for in the Honey Regulations; (d) that the quality of the honey is at least equal to the minimum grade requirements established by the Honey Regulations; (e) that the honey is packed in containers of sizes standardized in the Honey Regulations; (f) that containers and packages are marked in accordance with paragraphs (c) and (d) of sub-clause (1) of clause 10 of the Exports and Imports Regulations; (g) that the shipment is truly and correctly described as follows:

**Fruit, Vegetables and Honey Act—continued**

Name and address of packer or first dealer.....  
 .....  
 Name and address of shipper.....  
 .....  
 Name and address of consignee .....  
 .....  
 Number of packages..... Net weight of each .....  
 No. and kind (paper, metal, glass) of containers in each package  
 ..... Net weight of each container .....  
 Grade marks (if any) .....  
 Inspection Certificate No. ....  
 Identification marks .....  
 .....  
 Signature of shipper  
 Sworn before me this ..... day of ..... 19....  
 .....  
 (Signature of Commissioner or  
 Justice of the Peace)

(3) Nothing in the provisions of sub-clause (1) or (2) of this clause shall preclude the use of grade marks authorized by legislation of the country of origin if the shipments so marked are accompanied by an Inspection Certificate issued by a duly authorized inspector in the country of origin certifying that the honey meets the requirements of the grade marked.

(4) No person shall repack any imported honey except in accordance with the following provisions;

- (a) imported honey shall be repacked in containers of one of the sizes specified in the Honey Regulations;
- (b) proofs of all container labels intended for use on repacked imported honey shall be submitted in duplicate to the Department for approval;
- (c) when imported honey is blended with Canadian honey the blended product shall be classified, graded and marked in accordance with the Honey Regulations and the containers and packages shall be further marked "BLEND OF IMPORTED AND CANADIAN HONEY";
- (d) when imported honey is repacked, unblended with Canadian honey, the product shall be marked on containers and packages with the word "Honey", the initials and full surname and address of the packer, or the initials and full surname and address of the first

**Fruit, Vegetables and Honey Act—continued**

dealer and the packer's allotted number, the net weight of the contents and the name of the country of origin preceded by the words "Product of";

- (e) the marks specified in paragraphs (c) and (d) hereof shall be in block letters of not less than the minimum sizes set forth in sub-clause (6) of clause 5 and sub-clause (4) of clause 6 respectively, of the Honey Regulations.

**11.** These regulations shall not apply to gift shipments of five packages or less, or experimental or exhibition shipments, or such other shipments as may be authorized by the Minister.

**G. GENERAL**

**1.** (1) An inspector detaining under Section 21 of the Act any lot of produce or produce packages may at any time and at any place attach thereto a numbered detention tag and no person shall sell or offer for sale, move, allow or cause to be removed any such produce or produce packages or remove such detention tag without the written authority of an inspector.

(2) Every person contravening any of the provisions of this clause shall be liable upon summary conviction (under Part XV of the Criminal Code) to a fine not exceeding \$200 and not less than \$50; and in default of payment of the fine to imprisonment for a term not exceeding one month unless the fine is sooner paid.

**2.** (1) Within twenty-four hours after placing any produce or produce packages under detention the inspector shall deliver or mail to the packer, shipper, owner or person in possession of same, a duly completed form of Detention Notice.

(2) When the inspector is fully satisfied that any such produce or produce packages have been brought into compliance with the provisions of the Act and regulations thereunder, he may release same by issuing a duly completed Detention Release Form.

(3) The Detention and Release Forms shall be issued in quadruplicate, the original and one copy for Departmental purposes, one copy for the responsible party and one copy for the inspector.

**3.** The grade and correct designation of weight, measure or package of the produce shall be specified in all advertising.

**4.** No railway or vessel or other person in possession of or handling produce to or from any railway car or vessel at any point intermediate to the final destination of the produce shall fail to handle the produce with due care and adequate protection from freezing cold or other condition likely to damage the produce, and it shall not be considered sufficient reason for permitting exposure that a train or a vessel or the produce would have been delayed. It shall be deemed careless handling—

- (a) to delay, in any way, or for any reason, the movement of produce to or from the railway car or vessel, or the securing against freezing cold or other condition after such movement, when such delay might or does result in damage;
- (b) to move produce to or from the railway car or vessel during weather or other condition likely to cause damage to the produce despite all precautions possible to be taken;

**Fruit, Vegetables and Honey Act—continued**

- (c) for any railway or vessel or other person to proceed against the recommendation of an inspector that the produce should not be exposed or continue to be exposed.

5. No person shall for fresh purposes, pack, transport, ship, sell, offer for sale or have in possession for sale any produce for which grades are not provided in the regulations contained, which is immature or so diseased or otherwise affected as to be unfit for human consumption.

6. (1) In destination inspections "condition defects" (*see* sub-clause (22) Interpretation Regulations) shall not apply against the grade of any lot of produce except that packed apples, pears and vegetables for shipment out of Canada from storage shall not be allowed more than 5 per cent combined condition defects.

(2) Condition defects of any lot of apples, pears, plums or cherries shall not apply against the grade at shipping point—

- (i) if properly packed and held in storage long enough for the nature and extent of such condition defects to have developed:
- (ii) provided that the average percentage of each such defect is stated on the Confirmation of Sale or other contract, and prior to shipment such document is submitted to the inspector for verification.

7. Vegetables other than those commonly known as green vegetables shall be sold at retail by weight or by the standard package as prescribed in the Package Regulations, or may be sold by the grower thereof by legal measures of the bushel, peck or gallon if properly filled.

8. On and after September 1, 1946, no person shall use any reddish or orange coloured covering for heaped baskets of peaches, nor for other packages of peaches except in the patent cover for wood veneer baskets as specified in sub-clause (12) of clause 8 of the Packages Regulations.

## H. LICENSING

### LICENCES

1. (1) Every person required by the Act to be licensed shall make application therefor on a form to be obtained from an Inspector or the Department.

(2) Such application shall be for a licence as a dealer or a broker; except that the Department may issue a licence as a Broker and Dealer to any person under circumstances and limitations satisfactory to the Department.

(3) Any application for licence or renewal of licence as a broker shall be accepted only after satisfactory evidence that the principal or any partner, shareholder, agent or responsible employee of the applicant is not connected as an agent, employee, partner or shareholder of a person to whom the applicant sells or might sell or negotiate sales of produce.

(4) Any application for licence or renewal of licence as a dealer shall be accepted only after satisfactory evidence that the principal or any partner, shareholder, agent or responsible employee is not connected as agent, employee, partner or shareholder of a broker through whom the applicant purchases or might purchase produce.



**Fruit, Vegetables and Honey Act—continued**

2. Every person who maintains one or more branches shall obtain a separate licence for each branch.

3. (1) Licences issued under these regulations shall be in such form as the Minister may from time to time prescribe, and shall, if not suspended or revoked, remain valid and effective until the 31st day of March following the date of issue.

(2) Any violation of Clause 9 hereof by a licensee between the date of expiration and renewal of his licence shall be regarded as an offence under the Act.

4. The annual licence fee shall be \$25 for interprovincial and foreign trade and \$12.50 for export trade only.

5. Each application for a licence shall be accompanied by a licence fee in the form of a money order, bank draft or certified cheque payable to the Receiver General of Canada.

6. Every licensee shall advise the Department promptly of any change in the principals, ownership, control or name of the business.

7. Any licence shall be subject to suspension for a period not exceeding 90 days or to revocation for any offence prescribed in Clause 9 hereof.

8. Notwithstanding anything contained in Clause 7 hereof any licence shall be subject to automatic suspension as provided in Clause 13 (12) hereunder.

**OFFENCES**

9. It shall be an offence and cause will be deemed to have been given for suspension or revocation whenever—

- (a) any licensed dealer rejects or fails to deliver in accordance with the terms of a contract of purchase or sale, without reasonable cause, any produce bought or sold or contracted to be bought, sold or consigned;
- (b) any licensee fails or refuses truly and correctly to account promptly in respect of any transaction in produce to the person with whom such transaction is had;
- (c) any licensee fails to comply with an award of the Board of Arbitration;
- (d) any licensee fails to meet in full the terms of arrangement or compromise with creditors under the provisions of any statute of Canada or province thereof or otherwise;
- (e) any licensed broker fails promptly to issue a completed confirmation of sale on the form approved by the Department;
- (f) any licensee makes any fraudulent charge in respect of any produce received;
- (g) any licensee discards or destroys, without reasonable cause, any produce received on consignment;
- (h) any licensee reships or transfers on consignment any consigned produce or obtains a commission thereon without prior consent of the shipper given after full and clear disclosure by the licensee to the shipper of all material circumstances, and the onus of establishing such disclosure and the consent of the shipper shall be upon the licensee;

**Fruit, Vegetables and Honey Act—continued**

- (i) any licensee fails to give impartial distribution of any produce to or among any persons, or, without justification, discriminates in price, adjustments, facilities for purchase, supply or otherwise to the detriment of the owner thereof;
- (j) any licensee after receiving from the department notice so to do fails to pay to a complainant within five days any undisputed portion of an amount claimed to be owing such complainant;
- (k) any licensee makes any false or misleading statement, or omits any important fact in connection with any transaction;
- (l) any licensee, after having been given 30 days notice of objection, continues to employ in any responsible capacity any person whose licence stands suspended or revoked or who was responsibly connected with any firm, partnership or corporation whose licence stands suspended or revoked within one year prior to the date of such notice;
- (m) any licensee fails to keep intact in an official language of Canada, such accounts, records and memoranda as fully and correctly disclose all transactions in his business, including the true ownership of such business by stockholding or otherwise, for a period of two years;
- (n) any licensee fails or refuses to permit upon demand during business hours any duly authorized representative of the Minister to examine books, records and memoranda or the stock of produce on hand, involved in any investigation under these regulations;
- (o) any licensee receiving a shipment on consignment in a damaged or deteriorated condition fails to make application forthwith for inspection, and if the Department finds it practicable to provide such service, to forward a copy of the inspection certificate for such consigned shipment to the shipper thereof within twenty-four hours of receipt of such certificate or, if the Department finds it impracticable to provide such service to forward a copy of the notation accepted by the carrier. In event of failure to comply with this provision it shall, as against the licensee in the case of any complaint to the Department, be presumed *prima facie* that on the arrival of the consigned shipment it was not in a damaged or deteriorated condition;
- (p) any licensee carries on business other than as permitted by his licence;
- (q) any licensee is of substantially the same ownership as or is a branch of any licensee whose licence has been suspended or revoked;
- (r) any licensee contravenes any of the provisions of clause 9 of the Exports and Imports Regulations.

10. The act, omission or failure of any agent, officer or other person acting for or employed by any licensee, within the scope of his employment, shall in every case be deemed to be the act, omission, or failure of the licensee employing such agent, officer or other person.

COMPLAINTS

11. (1) Complaints that any licensee has committed any offence mentioned in Clause 9 may be made to the Department by any interested person including any inspector under the Act, provided, however, that if such complaint is to be made the basis of a claim for damages the complaint must be filed within six months of the date of the alleged offence.

**Fruit, Vegetables and Honey Act—continued**

(2) Such complaint shall briefly state the facts and the amount of damage or loss claimed, if any, and be supported by such evidence as may be available, including all original papers or true copies thereof, relating to the transaction under complaint, including shipping documents, letters, telegrams, invoices, manifests, inspection certificates or references thereto, account sales, confirmation of sale and any special contract or agreement.

(3) All contracts and standard confirmations of sale will be interpreted according to the "Standard Rules and Definitions of Trade Terms for the Fruit and Vegetable Industry". No meaning of such trade terms other than as defined may be alleged or entertained.

(4) All such complaints and answers to complaints shall be in duplicate and at the request of the Department in the form of a statutory declaration or affidavit sworn to by the complainant or the respondent, as the case may be, or, in the case of an incorporated company, by a responsible official thereof. Originals or copies of all documents mentioned in sub-clause (2) hereof shall be attached as exhibits to each declaration or affidavit. No new evidence may be submitted by complainant or respondent after the award of the Board of Arbitration has been issued.

(5) In case a complaint is made by a non-resident of Canada, the complainant shall be required, before any formal action is taken on his complaint, to furnish a bond acceptable to the Department in double the amount of the claim conditioned upon payment of costs of the Board of Arbitration, the amount of any counter-claim awarded by the said Board, and the respondent's costs if the complainant is unsuccessful; provided that the Department may waive the furnishing of a bond by a complainant resident of a country which under similar legislation permits a resident of Canada to file complaint without the furnishing of a bond.

12. (1) When the Department is of opinion that there are grounds for doing so, an investigation of any complaint may be made. Each party shall be given ample opportunity for presenting his side of the case.

(2) The person conducting the investigation shall have power to call for any books, papers or documents in the possession or control of either or both of the said parties and pertinent records of any broker or of any railway or other carrier or any storage warehouse, and to examine and investigate same.

**ARBITRATION**

13. (1) There shall be a Board of Arbitration at Ottawa, to which all complaints of any offence under Clause 9, hereof, may be referred by the Department.

(2) Such Board shall be composed of the Chief, Marketing and Merchandising Service of the Department, one representative each of the producing-shipping interests and the buying-distributing interests, the two latter members to be nominees of their respective Dominion-wide associations.

(3) The Chief, Marketing and Merchandising Service, shall be Chairman of the Board, and in his absence the Department may appoint an Acting Chairman.

(4) The Board shall meet at the call of the Chairman or Acting Chairman.



**Fruit, Vegetables and Honey Act—continued**

(5) The Board shall appoint a secretary who may or may not be a member thereof, and who shall keep accurate minutes of all meetings and decisions of the Board.

(6) The Department may, before referring any complaint to the Board, require the complainant to deposit a certified cheque for a specified amount and payable as designated, to be used without recourse to defray the actual expenses of the Board in connection with such complaint, any surplus over such expense to be returned to the complainant.

(7) In addition to documentary evidence furnished the Board by the Department, the Board may, at its discretion, invite witnesses to testify at the hearing.

(8) The Chairman and Acting Chairman of the Board of Arbitration shall have the powers of a Commissioner under the Inquiries Act and shall administer the oath to all persons testifying before the Board.

(9) The award of the Board shall be presented to the Department.

(10) Upon receipt of such award the complainant shall immediately advise the Department of its acceptance or rejection thereof.

(11) Upon receipt of such award the respondent shall—

- (a) forward to the Department a statement from the complainant that the award has been satisfied; or
- (b) forward to the Department the amount of the award by certified cheque, money order or bank draft in favour of the complainant, which shall be forwarded to the complainant upon advice from him of acceptance of the award in full satisfaction of the claim; or
- (c) if dissatisfied with the award of the Board of Arbitration, request the Department to refer the award to the Board of Review. Such request shall be accompanied by a certified cheque, money order or bank draft payable to the complainant for the full amount of the award and another such cheque, money order or bank draft for \$50.00 payable to the Receiver General of Canada, being a fee for convening the Board of Review and defraying any costs thereof. The respondent shall be entitled to appear in person before the Board of Review and present his reasons why he believes the award of the Board of Arbitration to be in error. If such award is reversed by the Board of Review, the respondent's cheque, money order or bank draft together with the \$50.00 fee shall be returned to him. If the award is confirmed, it shall be forwarded to the complainant.

(12) Upon failure of the respondent to take action as prescribed in Clause (11) above, his licence shall be automatically suspended at the end of 30 days from the date of mailing of the award of the Board.

(13) (a) There shall be a Board of Review at Ottawa to which any award of the Board of Arbitration may be referred for review by a respondent as provided in paragraph (c) of sub-clause (11) hereof;

(b) Such Board of Review shall meet at the call of the Chairman and shall be composed of the Board of Arbitration or a quorum thereof together with the Director or Associate Director of Marketing Service as Chairman and the Departmental Solicitor.



**Fruit, Vegetables and Honey Act—continued****GENERAL**

**14.** A bond satisfactory to the Minister and for such amount as may be prescribed by him and conditioned upon payment of any award of the Board of Arbitration which may be given within the ensuing two years may be required of any licensee, person, firm, partnership or corporation, hereinafter referred to as the applicant, applying for a licence or for renewal or reinstatement thereof,

(1) if such applicant, or any person connected in any responsible capacity with him or it, was a licensee, owner, partner, shareholder, officer of, employee in a responsible capacity of any licensee, or

(2) if such applicant or any person connected in any responsible capacity with him or it, is the parent, husband, wife, brother, sister or child of any person who was a licensee, owner, partner, shareholder, officer or employee in a responsible capacity or any other licensee, who, or which since the first day of January, 1946,

(a) has been convicted of any offence under Clause 9 of these regulations, or

(b) has failed to pay any award of the Board of Arbitration, or

(c) has suffered suspension or revocation of licence, or

(d) has made an authorized assignment, or

(e) has entered into any arrangement or compromise with creditors under the provisions of any Statute of Canada or provision thereof or otherwise.

**15.** (1) Upon suspension or revocation of licence the Department shall cause appropriate publication of the facts in order that those doing business with the person whose licence has been suspended or revoked may take due notice thereof.

(2) The Department may cause publication of awards of the Board of Arbitration or rulings arising therefrom as may be deemed to be of general interest.

(3) The Department may cause publication of the facts of any complaint whether or not disciplinary action is taken or damages awarded.

**16.** Notwithstanding anything contained in Clauses 11 and 12 hereof the Department may at any time investigate the interprovincial and foreign dealings of any person required to be licensed under the Act.

**17.** Failure to use the "Standard Rules and Definitions of Trade Terms for the Fruit and Vegetable Industry" in completing Standard Confirmations of Sale or other contracts may prejudice any complaint.

**18.** Repeated violations of any provision of the Act or these Regulations or convictions or judgments in any court of competent jurisdiction of any licensee over a period of two years may be considered cause for suspension or revocation of licence.

**19.** Any inspection certificate or other evidence of inspection may be withheld when the applicant for inspection is required to be but is not licensed as required under the provisions of Sections 10, 11 or 12 of the Act.

**Fruit, Vegetables and Honey Act—continued**

**I. HONEY**

**CLASSES FOR HONEY**

**1.** (1) The following shall be the classes for honey for shipment out of Canada:

- (a) Extra White—When in liquid form the honey shall be no darker in colour than that colour designated as Extra White on the Dominion Honey Classifier.
- (b) White—When in liquid form the honey shall be no darker in colour than that colour designated as White on the Dominion Honey Classifier.
- (c) Golden—When in liquid form the honey shall be no darker in colour than that colour designated as Golden on the Dominion Honey Classifier.
- (d) Light Amber—When in liquid form the honey shall be no darker in colour than that colour designated as Light Amber on the Dominion Honey Classifier.
- (e) Dark Amber—When in liquid form the honey shall be no darker in colour than that colour designated as Dark Amber on the Dominion Honey Classifier.
- (f) Dark—When in liquid form the honey shall be darker in colour than that colour designated as Dark Amber on the Dominion Honey Classifier.
- (g) Unclassified—Shall only include honey in retail or consumer containers and not marked with a specific colour classification.

(2) The following shall be the classes for honey other than for shipment out of Canada:

- (a) White—When in liquid form the honey shall be no darker in colour than that colour designated as White on the Dominion Honey Classifier.
- (b) Golden—When in liquid form the honey shall be no darker in colour than that colour designated as Golden on the Dominion Honey Classifier.
- (c) Amber—When in liquid form the honey shall be no darker in colour than that colour designated as Amber (Light Amber) on the Dominion Honey Classifier.
- (d) Dark—When in liquid form the honey shall be darker in colour than that colour designated as Amber (Light Amber) on the Dominion Honey Classifier.

**GRADES FOR HONEY**

**2.** (1) The grades for honey are No. 1 Grade, No. 2 Grade and No. 3 Grade.

(2) To qualify for No. 1 Grade, honey shall be

- (a) free from damage;
- (b) free of foreign material;
- (c) of moisture content not exceeding 17·8 per cent, or with a minimum specific gravity reading of 1·4184 at 68 degrees Fahrenheit referred to water at the same temperature, in the domestic classes of "White", "Golden", "Amber" and "Dark" and in the export classes of "Extra White", "White" and "Golden", and

**Fruit, Vegetables and Honey Act—continued**

- (d) of moisture content not exceeding 18·6 per cent, or with a minimum specific gravity reading of 1·4129 at 68 degrees Fahrenheit referred to water at the same temperature, in the export classes of "Light Amber", "Dark Amber" and "Dark".
- (3) To qualify for No. 2 Grade honey shall be
  - (a) free from serious damage;
  - (b) fairly free of foreign material;
  - (c) of moisture content not exceeding 18·6 per cent, or with a minimum specific gravity reading of 1·4129 at 68 degrees Fahrenheit referred to water at the same temperature.
- (4) To qualify for No. 3 Grade honey shall be
  - (a) free from serious damage;
  - (b) fairly free of foreign material;
  - (c) of moisture content not exceeding 20 per cent, or with a minimum specific gravity reading of 1·4033 at 68 degrees Fahrenheit referred to water at the same temperature.
- (5) Honey otherwise meeting the requirements of the grades established by this clause may be of moisture content not exceeding 20 per cent if pasteurized in an establishment registered with the Department and marked as required in these regulations.
- (6) When honey is granulated it may, at the option of the packer, be further described as being of "Fine", "Medium" or "Coarse" texture, but no honey shall be offered for sale or sold so marked until it is granulated.
- (7) In order to allow for variations incident to proper classification, grading and packing, not more than 10 per cent by count of containers in any tank lot graded as No. 1 or No. 2 shall contain honey that differs from the class or grade as marked on the containers, but no tolerance shall be allowed for any honey that is below the next lower class or grade. No tolerance shall be allowed for serious damage in honey graded as No. 2 or No. 3.
- (8) For the purposes of this clause
  - (a) "damage" means injury caused by turbidity, overheating or any objectionable flavour or aroma from floral source, honeydew, smoke taint or other flavour or aroma foreign to honey and in the case of granulated honey, foam in excess of minor frosting shall be considered damage;
  - (b) "fairly free" in respect of foreign material means that the honey or its surface is as clear as if strained at temperature of not more than 130° F. through a standard bolting cloth of 23 meshes to the inch;
  - (c) "free" in respect of foreign material means that the honey or its surface is as clear as if strained at temperature of not more than 130° F. through a standard bolting cloth of 86 meshes to the inch;
  - (d) "pasteurized honey" means honey which has been treated by the controlled application of heat to a point where all yeasts are destroyed, in a plant registered with and operating under the supervision of the Department;
  - (e) "serious damage" means any injury, defect or deterioration seriously affecting the edibility, appearance or shipping quality of the honey;



**Fruit, Vegetables and Honey Act—continued**

- (f) "turbidity" means cloudiness caused by pollen grains, minute air bubbles, finely divided wax particles, or other substances that detract from the clearness of the honey.

NOTE: With reference to paragraphs (b) and (c) of sub-clause (8) of clause 2, honey which at ordinary extracting room temperature has been strained without pressure through a single thickness of ordinary fine cheesecloth and thereupon allowed to settle usually will be fairly free of foreign material and honey which has been strained in the same manner through a double thickness of ordinary fine cheesecloth and thereupon allowed to settle usually will be free of foreign material.

**MARKING OF TANK LOTS**

3. (1) Every tank lot of honey shall be assigned a tank lot number by the packer, such tank lot numbers to run consecutively throughout the calendar year commencing with number 1.

(2) Every outer wrapper or enclosure of a container or lot of containers of honey shall be marked at the apiary or packing plant at time of packing with the number of the tank lot from which it was filled, and also the final figure in the number of the year in which it was packed (thus 1/7 or 1/7—the upper or first number 1 indicating the tank lot and the lower or latter number 7 indicating the year 1947 in which the honey was packed) and where a single package is only partially filled from one tank lot and the filling completed from another tank lot, both tank lot numbers shall be so marked.

**IDENTIFICATION OF PACKER ON FIRST DEALER LABEL**

4. Where honey is packed under a first dealer's label, a number may be used to identify the packer if the names and address of all packers and corresponding numbers allotted are filed annually with the Department by the first dealer; such number shall appear in brackets immediately following the first dealer's name and address, on all containers, wrappers and enclosures, as follows:

John Doe Co. Ltd.,  
Winnipeg, Manitoba  
(62)

**PACKAGE MARKS**

5. (1) Every person who packs, transports, ships, advertises, displays, sells, offers for sale or has in possession for sale any honey shall mark each wrapper or enclosure of one or more containers of honey in accordance with this clause.

- (2) Each wrapper or enclosure shall be marked with
- (a) the words "Canada" or "Canadian" and "Honey";
  - (b) the class and grade;
  - (c) the name and address of the packer, or the name and address of the first dealer together with the packer's allotted number;
  - (d) the number and size of containers enclosed;
  - (e) the net weight of honey contained in the wrapper or enclosure;
  - (f) the words "Liquid Honey" or "Liquid" if the honey has been treated to preserve its original liquid form;



**Fruit, Vegetables and Honey Act—continued**

- (g) the word "Pasteurized" in conjunction with and in letters of the same size and visibility as those indicating the class and grade, if the honey was pasteurized in an establishment registered with the Department;
- (h) the tank lot number;
- (i) the registration number identifying the shipper.
- (3) The address shall include the name of the province.
- (4) In the case of an individual the name shall consist of the initials and full surname and in the case of a firm or corporation the name shall consist of the firm or corporate name.
- (5) Where a packer or a first dealer packs or sells under a registered trade name, the trade name may be used in lieu of name and address.
- (6) All marks shall be in distinctly legible block letters of a size not less than  $\frac{3}{8}$  of an inch in length and, except in the case of barrels and half-barrels, shall be confined to one side and one end of the wrapper or enclosure; the side and end of the wrapper or enclosure bearing the marks shall bear no additional marks other than those placed thereon by an inspector.

**CONTAINER MARKS**

- 6. (1) This clause does not apply in respect of shipments out of Canada.
- (2) Every person who packs, transports, ships, advertises, displays, sells, offers for sale or has in possession for sale any honey shall mark the label of each container in accordance with this clause.
- (3) Unless otherwise provided in this clause, all marks shall appear on the main panel of the label together with any vignette, brand name or trade mark in distinct legible block letters.
- (4) Except in the case of glass containers the minimum size of letters shall be as follows:
  - (a) on containers of one pound or smaller  $\frac{3}{32}$  of an inch in length;
  - (b) on containers of more than one pound and not more than eight pounds  $\frac{1}{8}$  of an inch in length; and
  - (c) on containers of more than eight pounds  $\frac{1}{4}$  of an inch in length.
- (5) Glass containers shall be marked with
  - (a) the word "Honey";
  - (b) the class and grade;
  - (c) the words "Liquid Honey" or "Liquid" if the honey has been treated to preserve its original liquid form;
  - (d) the word "Pasteurized" in conjunction with and in letters of the same size and visibility as those indicating the class and grade, if the honey was pasteurized in an establishment registered with the Department;
  - (e) the net weight;
  - (f) the name and address of the packer, or the name and address of the first dealer together with the packer's allotted number.
- (6) The marks required by sub-clause (5) shall appear in clearly legible letters of size reasonably proportionate to the size and design of the label.
- (7) All other containers shall be marked with
  - (a) the net weight;

**Fruit, Vegetables and Honey Act—continued**

- (b) the name and address of the packer, or the name and address of the first dealer together with the packer's allotted number;
- (c) the word "Honey";
- (d) the class and grade;
- (e) the words "Liquid Honey" or "Liquid" if the honey has been treated to preserve its original liquid form;
- (f) the word "Pasteurized" in conjunction with and in letters of the same size and visibility as those indicating the class and grade, if the honey was pasteurized in an establishment registered with the Department;

(8) The marks required by paragraphs (a) and (b) of sub-clause seven may be placed elsewhere than on the main panel of the label but shall appear in clearly legible letters of a size reasonably proportionate to the size and design of the label.

(9) The marks required by paragraph (e) of sub-clause seven may be placed on the lid or cover of the container in letters not less than  $\frac{1}{4}$  of an inch in length.

(10) The address shall include the name of the province.

(11) In the case of an individual the name shall consist of the initials and full surname and in the case of a firm or corporation the name shall consist of the firm or corporate name.

**APPROVAL OF LABELS**

7. (1) With the exception of persons using manufacturers' stock design labels, all persons who pack honey shall submit to the Department two copies of all container labels intended to be used; no such label shall be used until approved and such persons shall produce approved labels for inspection when so required by an inspector.

(2) All manufacturers of stock design labels shall submit to the Department two copies of all stock design container labels intended for distribution to honey producers and packers; no such label shall be manufactured or distributed until approved and manufacturers shall produce approved stock design labels for inspection when so required by an inspector.

(3) Manufacturers' stock design labels may be approved *en bloc*, and in blank, for manufacturers, and persons using such labels shall properly complete them with such marks as are required by these regulations.

(4) No person shall use any approved stock design or other label on honey of other than Canadian origin without the written authority of the Department.

**TEXTURE—GRANULATED HONEY**

8. (1) In the case of granulated honey only, the words "Fine" or "Medium" or "Coarse" may be added after the class and grade designation on containers and packages, to indicate the texture of the honey (e.g. "GOLDEN NO. 1 COARSE").

(2) Where an indication of texture is made it shall be in letters of the same size as the class and grade marks.

**Fruit, Vegetables and Honey Act—continued**

## CONTAINERS AND PACKAGES

9. (1) Honey shall be packed in clean, sound and strongly constructed containers approved by the Department and of one of the following sizes:

1½ ounce, 2 ounce, 8 ounce, 12 ounce, 1 pound, 2 pounds, 4 pounds, 8 pounds, 30 pounds, 40 pounds, 60 pounds, 70 pounds, net weight; or ½ barrels and barrels of unspecified sizes.

(2) Containers of honey shall be packed in clean, well constructed packages that are in good condition and not defaced by old markings.

(3) Containers of extracted honey shall be securely closed by means of screw caps, friction top lids, bungs, or otherwise as approved by the Department.

## REGISTRATION

10. (1) Every person who ships honey in export or interprovincial trade shall apply to the Department for registration as a shipper; the registration fee is one dollar annually in advance.

(2) No fee for renewal of registration is required of any person shipping only honey of his own production if such person was registered in the year immediately preceding.

(3) Every person who proposes to pasteurize or to pack pasteurized honey shall apply for registration as an operator of a pasteurizing plant, which may be issued after an inspector has reported favourably upon the suitability of the equipment and premises for the purpose, and the prospective volume of the pack; the registration fee is five dollars annually in advance for a person who proposes to pasteurize only honey of his own production, and ten dollars for other persons.

(4) A person registered under sub-clause (3) is not required to pay a fee for registration under sub-clause (1).

(5) All registrations under this clause shall expire with and be renewable on June 30 of each year.

(6) Any registration under this clause may be suspended or revoked at any time for failure on the part of the registrant to comply with all requirements of the Act and regulations.

## PASTEURIZING PLANTS

11. Persons operating pasteurizing plants shall keep an accurate record of their packs which shall be available to the Department at all times, indicating,

- (a) the quantity, colour and grade of each tank lot of honey packed and the size and type of containers into which it was packed;
- (b) the quantity of honey purchased and the persons from whom it was purchased; and
- (c) the quantity of honey packed on a custom basis and the persons for whom it was packed.

## SANITARY CONDITIONS

12. The following sanitary condition shall be observed and maintained in all premises where honey is extracted, packed, handled or stored in export or interprovincial trade, namely,



**Fruit, Vegetables and Honey Act—continued**

- (a) all buildings or rooms shall be maintained in a clean and sanitary condition;
- (b) all appliances, including extractors, pumps, tanks, uncapping machines, or other equipment used in the handling of honey from the apiary to the final containers shall be kept clean and sanitary;
- (c) all operations in connection with the preparation and packing of honey shall be carried on carefully and with strict cleanliness;
- (d) all persons engaged in the preparation, handling and packing of honey shall be free from any communicable disease and the covering used by them to protect their clothing or persons shall be of material easily cleaned and shall be kept reasonably clean;
- (e) no lavatory, sink, cesspool, or buildings in which animals are housed shall be so situated or maintained as to permit any odours or fumes therefrom to pervade any room or building in which honey is being extracted, packed, handled or stored;
- (f) all honey intended to be used for food found by an inspector in any apiary, packing plant or warehouse, to be in any way unfit for food purposes shall be placed under detention and held for disposal as the Minister may direct; and
- (g) all vehicles used for the transportation of honey shall be clean and sanitary to the satisfaction of the inspector.

INSPECTION

**13.** (1) Any person requiring honey to be inspected shall give notice to the resident inspector or, if there is no resident inspector, to the nearest inspector or the Department in sufficient time prior to date of shipment to allow for the taking of samples for determination of moisture and other grade requirements.

(2) The applicant for inspection shall arrange the honey to be inspected in separate tank lots in a suitable place, shall open and close all containers and packages as directed by the inspector and shall render such other assistance to the inspector as he may require.

**14.** (1) The inspector shall examine not less than 10 per cent by count of the packages in any tank lot and shall draw a sample from any package he may select upon which colour and moisture content will be determined for the entire tank lot.

(2) If there is any noticeable difference in colour or quality in any tank lot of honey the inspector may refuse to inspect such tank lot or he may examine every package in the tank lot dividing it into two or more lesser lots of similar colour and quality; in such cases the inspector shall impose a fee of five cents for each package in tank lots so divided, such fee to be collected in advance.

**15.** When a shipment of honey is submitted for inspection which does not bear the tank lot numbers as required by these regulations or when there is an irregularity in the tank lot numbers, the inspector may refuse to inspect the shipment or he may examine each package in the shipment dividing it into lots of apparently similar colour and quality; from not less than 10 per cent of the packages in each lot thus established the inspector shall draw a composite sample upon which colour and moisture content will



**Fruit, Vegetables and Honey Act—concluded**

be determined for the entire lot; in such cases the inspector shall impose a fee of five cents for each package in the shipment, such fee to be collected in advance.

**GENERAL**

**16.** No person shall use for packing honey any container or package that has been previously marked without first completely obliterating such markings when they are inconsistent with the marks required by these regulations.

**17.** The class, grade and correct designation of weight of the honey shall be specified in all advertising if price is specified.

**18.** Every person contravening any of the provisions of these regulations shall be liable upon summary conviction to a fine not exceeding two hundred dollars and not less than ten dollars and in default of payment of the fine to imprisonment for a term not exceeding one month unless the fine is sooner paid.

**FURS**

*See* LIVE STOCK AND LIVE STOCK PRODUCTS ACT (Grading of ranched fox pelts).

**FUR GARMENTS, LABELLING OF**

*See* DOMINION TRADE AND INDUSTRY COMMISSION ACT.

**GAS INSPECTION ACT. (R.S.C., 1927, c. 82)**

1. *The Gas Inspection Regulations.*
2. *Order respecting the inspection of meters.*

**1. The Gas Inspection Regulations**

A revision of these regulations, which are of a highly technical character, has been in progress for some time but had not been completed on December 31, 1949. In the place of the revised regulations, which will not be available for some months, an office consolidation of the regulations in effect on December 31, 1949, will be found in Appendix III to this Consolidation. The revised regulations, when available, will be published in Part II of the *Canada Gazette*.

**2. Order respecting the Inspection of Meters**

**(P.C. 291 of 25th January 1949).**

*See* ELECTRICITY INSPECTION ACT

**GOLD EXPORT ACT. (1932, c. 33)**

**The Gold Export License Regulations**

P.C. 18

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 5th day of January, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS by The Gold Export Act the Governor in Council is authorized to prohibit from time to time and for any period or periods the export of gold, whether in the form of coin or bullion, from the Dominion of Canada, except in such cases as may be deemed desirable by the Minister of Finance and under licenses to be issued by him: provided that no such license shall be issued to other than a Canadian chartered bank or the Bank of Canada;

AND WHEREAS by the said Act the Governor in Council is authorized to make such regulations as the Governor in Council deems necessary or expedient to ensure the carrying out of the provisions and intent of the Act and to define from time to time, as occasion may require, what shall be deemed to be included within the expression "bullion" for the purposes of the Act;

AND WHEREAS it is deemed necessary and expedient for the purposes aforesaid to revoke the regulations under that Act made by Orders in Council P.C. 1150 of May 17, 1932, as amended, and P.C. 1289 of June 25, 1934, and to make the regulations set out hereunder;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the powers conferred by The Gold Export Act, is pleased, hereby, to revoke Orders in Council P.C. 1150 of May 17, 1932, as amended, and P.C. 1289 of June 25, 1934, and to make and establish in substitution therefor, the following regulations:

REGULATIONS

1. These regulations may be cited as the "Gold Export License Regulations".

2. (1) In these regulations and for the purposes of The Gold Export Act, as amended, "bullion" is hereby defined to include

- (a) base bullion;
- (b) unmanufactured minerals containing gold;
- (c) ore containing gold;
- (d) ore concentrates containing gold; and
- (e) any other article or thing containing gold that is exported for commercial purposes, where the value of the gold contained therein, would, if it was refined as fine gold, exceed seventy per cent of the value of the article or thing.

(2) For the purpose of these regulations the value of an article or thing that is to be exported is the actual amount received or to be received

**Gold Export Act—concluded**

in terms of Canadian dollars, exclusive of all charges, by way of payment for the article or thing exported and if no payment as been or is to be received, is the fair market value of the article or thing in terms of Canadian dollars.

3. The export of gold, whether in the form of coin or bullion, from Canada, is hereby prohibited except in such cases as may be deemed desirable by the Minister of Finance and under licenses to be issued by him.

4. No license for the export of gold shall be issued to other than a Canadian chartered bank or the Bank of Canada.

5. A license issued by the Minister of Finance shall be in the following form:

No.....

Ottawa, ..... 19....

LICENSE TO EXPORT GOLD

Permission is hereby granted

.....

to export ..... valued at

..... Dollars (\$) consigned to

..... on behalf of

.....

Countersigned

For Department of Finance

Deputy Minister of Finance

6. A license granted under these regulations shall be presented to the Collector of Customs and Excise at the port of exit with the Export Entry and shall be endorsed by the Collector at that port indicating the date of actual export and shall be forwarded by him under separate cover to the Deputy Minister of National Revenue (Customs and Excise), Ottawa, after noting the license number on the copies of the Export Entry retained at said port and to be forwarded to the Department of National Revenue.

7. In order to ensure the carrying out of the provisions and intent of The Gold Export Act and the effective administration of these regulations, the Minister of Finance may from time to time issue instructions for the guidance of officers and employees in the Customs Division of the Department of National Revenue, the Commissioner, officers and men of the Royal Canadian Mounted Police, and officers and employees in the Post Office Department.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**GOLD AND SILVER MARKING ACT.**

*See* PRECIOUS METALS MARKING ACT.

**GOLD MINING ASSISTANCE**

*See* EMERGENCY GOLD MINING ASSISTANCE ACT.

**GOLD, SALE OF**

*See* BANK OF CANADA ACT.

**GOVERNMENT ANNUITIES ACT. (R.S.C., 1927, c. 7)**

**The Government Annuities Regulations, 1949**

P.C. 5842

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

HIS EXCELLENCY the Governor General in Council, on the recommendation of the Minister of Labour and by virtue of the powers conferred by the Government Annuities Act, Revised Statutes of Canada, 1927, chapter 7, is pleased to order as follows:

1. The Government Annuities Regulations, 1947, established by Order in Council P.C. 5394 of 31st December, 1947, as amended, are hereby revoked; and

2. The annexed regulations entitled "The Government Annuities Regulations, 1949" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

*Government Annuities Regulations 1949*

1. These regulations may be cited as the Government Annuities Regulations 1949.

2. In these regulations and in any form and in any table of rates authorized or approved thereunder, unless the context otherwise requires:

- (a) "Act" means the Government Annuities Act;
- (b) "Application" means a document, approved as to form in accordance with section seven, which has been completed and submitted to the Department or Branch by the intended purchaser of an annuity contract;
- (c) "Branch" means the Annuities Branch of the Department;
- (d) "Department" means the Department of Labour;
- (e) "Director of Annuities" means the officer of the Branch so designated;
- (f) "effective date" as applicable to an annuity contract, unless otherwise defined therein, means the date upon which the first premium payment is made;
- (g) "formal contract" means a document, approved as to form and executed in accordance with section seven and issued to an annuitant or purchaser as evidence of an annuity contract entered into pursuant to the Act;
- (h) "formal endorsement" means an endorsement, written upon or attached to a formal contract before or after issue, with the consent of the contracting parties and executed in accordance with section seven.



**Government Annuities Act—continued**

3. (1) The rate of interest to be used in computing the purchase price of annuities under any annuity contract, the effective date of which is on or after the 19th day of April, 1948, shall be three per cent per annum, compounded yearly.

(2) The rate of interest to be used in calculating the liability for any annuity pursuant to section fifteen of the Act shall be the rate at which the purchase price thereof was calculated.

4. (1) The Mortality Table to be used in the computation of the purchase price of annuities under any annuity contract, the effective date on which is on or after the 19th day of April, 1948, shall be the British annuity tables contained in "The Mortality of Annuitants, 1900-1920", published by the Institute of Actuaries and the Faculty of Actuaries in Scotland, known as "a(f) and a(m) tables", with a reduction of three years in age.

(2) The Mortality Table to be used in calculating the liability for any annuity pursuant to section fifteen of the Act shall be the Mortality Table specified in subsection (1) of this section.

(3) The tables approved by Order in Council P.C. 5843 of 17th November, 1949, being derived from the Mortality Table specified in subsection (1) of this section, with interest at three per cent per annum, shall be the tables to be used for determining the purchase price of annuities under any annuity contract, the effective date of which is on or after the 19th day of April, 1948.

(4) In entering into a contract for the sale and purchase of an annuity where the tables mentioned in subsection (3) do not contain a rate applicable to the purchase of the said annuity, the rate to be used for determining the purchase price of the said annuity shall be that calculated in accordance with the provisions of subsection (1) of section three and subsection (1) of this section.

5. Notwithstanding anything in these Regulations, in any case where an applicant for the purchase of an annuity has made a payment on account of the annuity premium in cash, or by cheque, bank draft, money order or postal note to the order of the Receiver General of Canada which was

- (i) received prior to April 19, 1948, by the Branch or the Director of Annuities, or an agent of the Minister appointed under the Act; or
- (ii) sent forward by mail in a cover addressed to the Branch, or the Director of Annuities, or an agent of the Minister appointed under the Act and received by such addressee, and mailed prior to April 19, 1948, as evidenced by the date appearing on the postmark of the receiving post office stamped upon the said cover, or other evidence thereof satisfactory to the Director of Annuities,

the rate of interest and mortality tables in effect immediately prior to April 19, 1948, shall be used in computing the purchase price of the annuity under any annuity contract issued upon such application unless the Minister, upon the specific request of the applicant, fixes the effective date of the annuity contract at a date on or after the 19th day of April, 1948.

6. (1) Subject to subsection two and notwithstanding sections three, four and five, where

- (a) a person prior to the nineteenth day of April, 1948, ceased to be employed by an employer who entered into a contract with His

**Government Annuities Act—continued**

Majesty pursuant to subsection three of section six of the Act and received from the Minister a statement of the annuity that he would receive under that contract containing the following words:

"This contract witnesseth further that in consideration of the payment of premiums in any other manner than above indicated, such annuity shall be paid at the date of maturity of this contract as such premiums will purchase according to the rates of mortality and interest in effect on the date of inclusion of the annuitant under the Group Annuity Contract, provided, however, that the total annuity payable to the Annuitant hereunder and under any other Canadian Government Annuity Contracts shall not exceed \$1,200.00 per year."

or words to the like effect; or

- (b) a person was included as an employee under such a contract made prior to the nineteenth day of April, 1948, and the contract or the agreement between the employer and his employees pursuant to which the contract was made included the following provision:

*"Termination of Employment"*

"If for any reason other than his death a member should cease to be employed by the employer before his Normal Retirement Date, the total of the contributions which he has made under the Plan will remain at his credit with the Government, to provide him with an annuity commencing at Normal Retirement Date, or any earlier anniversary thereof. The member will have the privilege of continuing contributions in order to increase the amount of his annuity."

or words to the like effect;

and such person has purchased or purchases on his own life an annuity with the same day of commencement and duration as that of the annuity he would receive under the contract referred to in paragraph (a), the rate of interest and mortality table for computing the purchase price of the annuity purchased by that person is the rate of interest and mortality table that were authorized for use in computing the purchase price of annuities under the Act on the date of his inclusion as an employee under the contract referred to in paragraph (a).

(2) Subsection one applies only if the total annuities payable to a person under the contracts referred to therein would not exceed the maximum amount authorized for payment to any person under the Act at the date of the inclusion of that person as an employee under the contract referred to in paragraph (a) of subsection one.

7. The forms of application and of formal contracts and the terms therein contained shall be such as from time to time are approved by the Governor in Council. The said contracts when issued and all formal endorsements at any time added thereto shall be signed by, or bear a facsimile or lithographed signature of the Minister or Deputy Minister of Labour and be countersigned by such officer or officers of the Branch as the Minister may direct in writing from time to time.

8. In the case of

- (a) an Immediate Annuity, or of a Deferred Annuity to be purchased by a single payment, a formal contract shall not be issued until the purchase price thereof has been paid in full;

**Government Annuities Act—continued**

- (b) a Deferred Annuity to be purchased on an instalment plan, a formal contract shall be issued as soon as the application therefor has been accepted and a payment on account of the purchase price has been made and the applicant has decided what type of annuity he wishes to purchase.

9. The agents permanently appointed to assist in executing the provisions of the Act, and their remuneration, shall be such as may be recommended by the Minister of Labour and approved by the Governor in Council; but the Minister may from time to time appoint such temporary agents as in his opinion are required, and upon such terms as may be agreed upon.

10. The age, identity, existence, death, residence or domicile of persons shall be proven by submission of such documents or other evidence as the Minister may require or direct.

11. Payments for, or on account of, the purchase of annuities may be made at any Post Office or Sub-post office in Canada where a Postal Money Order Office is established, during the hours at which the office is required to be open for the transaction of Post Office business and the Postmaster or Acting Postmaster of such office is hereby authorized and required to receive such payments and to remit same in such manner as may be directed by the Minister of Labour; or a purchaser, if he prefers, may send his payments direct to the Annuities Branch, Ottawa, Canada, by registered letter or make such payments personally at the Branch and such payments may be made by cash or by cheque, bank draft, money order or postal note drawn to the order of the Receiver General of Canada.

12. (1) Excepting upon moneys received or remitted in connection with society, association or employer-employee contracts made under section six of the Act,

- (a) every Postmaster or Acting Postmaster of any Post Office or Sub-post office in Canada where money order business is transacted, other than those whose salaries are paid on a city office basis, shall be allowed a commission of one per cent on all moneys remitted by him for the purchase of Deferred Annuities by weekly, monthly, quarterly, half-yearly or yearly payments where the total number of premium payments to be made covers a period exceeding five years;
- (b) a commission of eleven-fortieths of one per cent shall be allowed to any Postmaster or Acting Postmaster as aforesaid on all moneys remitted by him for the purchase of Immediate Annuities or Deferred Annuities, the payments for which are to be completed within a period of five years;
- (c) The aforesaid rates of commission shall be allowed the Postmaster or Acting Postmaster not only on all moneys remitted by him, but also on all moneys remitted to the Department direct by or on behalf of a purchaser where it can be shown to the satisfaction of the Minister of Labour that the Postmaster or Acting Postmaster was instrumental in securing the purchase.

(2) Where the moneys remitted by a Postmaster or Acting Postmaster are to be applied to contracts made under section six of the Act, as deter-



**Government Annuities Act—concluded**

mined by the Department, commission shall be payable at the rate of eleven-fortieths of one per cent and the maximum amount of commission payable in respect of any group or plan shall not exceed fifty dollars in any fiscal year.

**13.** Each purchaser of a Deferred Annuity making his payments at a Postal Money Order Office as aforesaid shall be furnished with a passbook in form approved by the Minister and the postal employee who receives such payments shall enter records thereof in the said passbook when the payments are received.

**14.** All annuities shall be paid monthly unless otherwise provided.

**15.** When moneys become payable in respect of an annuity contract, pursuant to subsection one of section twelve of the Act, the moneys may at the request of the person entitled to payment be paid in instalments, but no interest shall accrue or be payable on the said moneys or on any part thereof after the date of death of the annuitant or last survivor or joint annuitants.

**16.** (1) Where the effective date of a contract for the purchase of a deferred annuity is earlier than the 19th day of April, 1948, the purchaser may

- (a) if the contract is to provide one of the annuities specified in paragraph (a) of section four of the Act, by instrument in writing received by the Minister at least five years prior to the due day of the first instalment of the annuity, elect that the terms relating to the duration of the annuity under the contract be altered to provide for payment by His Majesty to the annuitant of any other deferred annuity specified in sub-paragraphs (i) and (iii) of paragraph (a) of section four of the Act, or to increase to a period not exceeding twenty years, or to decrease the term certain of the annuity, and the annuity or the premium shall be recalculated to take into account the new terms;
- (b) on application in writing to and with the concurrence of the Minister elect to make the first instalment of the annuity payable on a future day one or more full years before the day on which the first instalment of the annuity is then payable under the contract and the annuity or the premium shall thereupon be recalculated to take into account the alteration of the due day except that where the terms of the contract have been altered pursuant to paragraph (a) of this subsection the purchaser may not elect to make the first instalment of the annuity payable on a day earlier than five years after the instrument was received by the Minister pursuant to paragraph (a) of this subsection;
- (c) on application in writing to and received by the Minister at least five years prior to the due day of the first instalment of annuity, with the concurrence of the Minister, elect to make the first instalment of annuity payable on a future day one or more full years after the day on which the first instalment is then payable under the contract, and the annuity or the premium shall be recalculated to take into account the alteration of the due day.

(2) The provisions of subsection (1) shall be deemed to be a term of every contract to which subsection (1) applies.



**GOVERNMENT EMPLOYEES COMPENSATION ACT, 1947.  
(1947, c. 18).**

**The Government Employees Compensation Regulations 1948  
(Pulmonary Tuberculosis) .**

P.C. 5572

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 10th day of December, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the authority of section 8 of The Government Employees Compensation Act, 1947, 11 George VI, chapter 18, is pleased to make and doth hereby make the following regulations, effective April 1, 1947:

1. These regulations may be cited as "The Government Employees Compensation Regulations 1948 (Pulmonary Tuberculosis)."

2. In these regulations, unless the context otherwise requires,

- (a) "Act" means The Government Employees Compensation Act, 1947;
- (b) "compensation" has the same meaning as defined in paragraph (b) of sub-section one of section two of the Act;
- (c) "disease" means pulmonary tuberculosis;
- (d) "employee" has the same meaning as defined in paragraph (c) of sub-section one of section two of the Act;
- (e) "Minister" means the Minister of Transport; and
- (f) "province" includes the Yukon Territory but not the Northwest Territories.

3. An employee who is disabled or a dependent of an employee whose death is caused by the disease due to the nature of his employment and contracted while employed in a hospital or sanatorium operated by the Government of Canada wherein tuberculosis patients are treated, or while employed as a nurse in the field and exposed to the disease, shall be entitled to compensation, where

- (a) the employee was exposed to the disease due to the nature of his employment;
- (b) the employee contracts the disease subsequent to the first day of April, one thousand nine hundred and forty-seven; and
- (c) the employee was free from the disease at the time he entered upon such employment, or the employee has had no medical examination before being exposed to the disease and there is no evidence that he was suffering from the disease prior to his entering upon such employment.

**Government Employees Compensation Act, 1947—continued**

4. Where an employee or a dependent of a deceased employee is entitled to compensation under these regulations, such compensation shall be payable at the same rate as is provided in the Act for an employee who is caused personal injury by accident or is disabled by an industrial disease or a dependent of a deceased employee whose death results from such an accident or industrial disease.

5. The right to and the amount of compensation payable for disablement or death resulting from the disease contracted by an employee in the provinces of Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan and Alberta shall be determined, subject to the provisions of these regulations, by the Workmen's Compensation Board of the province in which the disease was contracted.

6. The right to and the amount of compensation payable for disablement or death resulting from the disease contracted by an employee in the province of Prince Edward Island, shall be determined, subject to the provisions of these regulations, by the authority appointed by the Governor in Council for determining compensation in the case of employees who are caused personal injury by accident or are disabled by an industrial disease, in the said province.

7. The right to and the amount of compensation payable for disablement or death resulting from the disease contracted by an employee ordinarily resident in the Yukon Territory or the Northwest Territories while employed in the Yukon Territory or the Northwest Territories, shall be determined, subject to the provisions of these regulations, by the Minister.

8. Where an employee ordinarily resident in a province other than the Yukon Territory contracts the disease due to the nature of his employment while employed in the Yukon Territory or the Northwest Territories, the disease shall for the purpose of these regulations be deemed to have been contracted in the province in which the employee was ordinarily resident.

9. Where an employee, other than a person engaged locally outside of Canada, contracts the disease due to the nature of his employment while employed outside of Canada, the disease shall for the purpose of these regulations be deemed to have been contracted in the province or the Northwest Territories, as the case may be, in which the employee was ordinarily resident immediately prior to entering upon such employment.

10. (1) Every employee employed in a hospital or sanatorium wherein tuberculosis patients are treated, or employed as a nurse in the field, and exposed to the disease due to the nature of the employment, shall be given a general medical examination with X-ray of the chest before entering upon such employment, and shall be re-examined with X-ray of the chest every six months during the period of exposure to the disease.

(2) All such employees employed on the first day of December, one thousand, nine hundred and forty-eight, who have not had a medical examination with X-ray of the chest before entering upon such employment, or within six months prior to said date, shall be examined within two months after said date.

**Government Employees Compensation Act, 1947—concluded**

(3) A complete medical history of each such employee with X-ray films shall be kept and made available in dealing with claims for compensation.

(4) Nothing in this section shall prejudice the right of an employee to claim compensation under these regulations.

**11.** These regulations shall have force and effect as from the first day of April, one thousand nine hundred and forty-seven.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**GOVERNMENT HARBOURS AND PIERS ACT. (R.S.C., 1927, c. 89) .**

- 1. Regulations for the use and management of government wharves.*
- 2. Tariff of tolls, government assembly wharf, Nanaimo, B.C.*
- 3. Tariff of tolls, government wharf, Westview, B.C.*
- 4. Tariff of tolls, government wharves, Sorel, P.Q.*

**1. Regulations for the use and management of Government Wharves in Canada**

P.C. 5244

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the authority of the Government Harbours and Piers Act, Revised Statutes of Canada, 1927, chapter 89, is pleased to order as follows:

1. The Regulations for the Use and Management of Government Wharves in Canada and Tariff of Tolls and Dues Leviable in connection therewith, established by Order in Council P.C. 1667 of 16th April 1948, as amended, are hereby revoked; and

2. The annexed "Regulations for the Use and Management of Government Wharves in Canada and Tariff of Tolls and Dues Leviable in connection therewith" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**Government Harbours and Piers Act—continued**

*Regulations for the Use and Management of Government Wharves  
in Canada and Tariff of Tolls and Dues Leviable in  
Connection Therewith*

INTERPRETATION

1. In these Regulations, unless the context otherwise requires or it is otherwise provided—

- (a) “goods” means any movable or personal property other than “vessels”, and includes wares and merchandise;
- (b) “Minister” means the Minister of Transport;
- (c) “schedule” means the schedule to these Regulations;
- (d) “side wharfage” means the charge or rent for the mooring of a vessel to a wharf;
- (e) “ton” means the ton-weight of two thousand pounds;
- (f) “ton measurement” means the cubical ton of 40 cubic feet;
- (g) “top wharfage” means the charge or rent for the landing, placing or depositing of goods on a wharf;
- (h) “vessel” means any vessel used in navigation, and includes any scow, raft, boom of logs or any other floating property;
- (i) “wharf” means any work governed by the Government Harbours and Piers Act and which is placed by said Act under the control and management of the Minister;
- (j) “wharfage” means the charge or rent ordinarily called the dues or tolls, for the use of a wharf, and includes the side wharfage and the top wharfage;
- (k) “wharfinger” means the person appointed under the Government Harbours and Piers Act to have charge of a wharf and to collect the wharfage in respect thereof.

APPLICATION

*Wharves Falling Under Regulations*

2. (1) Except as provided in subsection (2) these Regulations shall apply to all wharves.

(2) Sections 7, 9, 10, 21 and 25 shall not apply to ports especially declared to be public harbours by proclamation issued under Part X of the Canada Shipping Act, 1934, and to which Harbour Masters are appointed.

MATERIALS ON WHARF

*What materials may be left on wharf*

3. No material of any kind except goods in course of transit or material for the use of ships or to be used in connection with the shipping of goods shall be brought or left upon any wharf.

*Landing or placing of goods on wharf*

4. No goods shall be landed or placed upon any wharf, unless by permission of the wharfinger, and then only on such portions of the wharf as may be allowed to them for the time being, and shall be so landed and placed as the wharfinger may direct.



**Government Harbours and Piers Act—continued***Depositing of sand, gravel or ballast on wharf*

5. No sand, gravel or ballast of any kind shall be put upon a wharf unless with permission, and under the inspection of the wharfinger and only on such portion of the wharf as he specially determines.

*Goods not to obstruct access to wharf*

6. No goods or substances of any kind shall be placed on the wharf, on or near the snubbing posts, nor shall they be placed in such manner upon any wharf as to obstruct the access thereto or the thoroughfare thereon.

*Explosives*

7. No explosive material of any kind shall be brought to or placed upon any wharf except with the knowledge and approval in writing of the wharfinger.

*Protection of explosives*

8. No explosive material shall remain on any wharf longer than six hours and shall during that time be covered and protected by tarpaulins or other suitable coverings.

*Animals on wharf*

9. No live animals, other than animals working on the wharf in connection with the loading or unloading of vessels or the carting of goods, shall be allowed on any wharf except while in the course of being conveyed to or from said wharf by water, and then only whilst in charge of competent drivers and only during the space of time allowed specially by the wharfinger.

*Certain kind of work on wharf prohibited*

10. No person shall make or dress any mast or spar, or do any carpentry, on any wharf, except with the express permission of the wharfinger previously obtained and at such place by him designated for that purpose.

*Goods at owner's risk*

11. All goods landed or placed upon a wharf shall be at the sole risk of the owner.

*Structures on wharf*

12. No structure of any kind or description shall be erected upon or attached to any wharf, without permission in writing from the Minister, and upon the conditions and in the manner and at the place specially fixed and determined by him.

*Shipment of goods off structure*

13. No goods shall be landed or deposited in or on, or shipped from off, any structure erected upon or attached to a wharf, without permission of the wharfinger.

*Removal of goods*

14. No person, without the permission of the wharfinger, shall remove any goods from any wharf or structure erected upon or attached to same, on which the tolls and dues have not been paid.

**Government Harbours and Piers Act—continued**

*Removal*

15. Goods not otherwise specially governed by these Regulations and which have been landed, placed or deposited on a wharf shall be removed therefrom within forty-eight hours from the time of their being so landed, placed or deposited.

**VEHICLES**

16. No vehicle, however propelled, shall be driven along or upon any wharf, unless employed in the loading or unloading of a vessel or in the carting of goods in connection therewith.

*Vehicles not to obstruct wharf*

17. No such vehicle shall be permitted to stand on any wharf in such a manner as to obstruct the passage to and from the same, or to or from any vessel arriving or lying at, or departing from, the same.

*Molesting passengers forbidden*

18. The driver of any such vehicle, or any other person, shall not obstruct, importune or annoy any person landing from or embarking on board of any vessel so arriving or lying, or departing from, said wharf.

*Speed on wharf*

19. No person shall ride or drive a horse or horses faster than a walk, and no person shall drive a commercial motor vehicle weighing more than two tons gross, at a speed greater than five miles an hour, or any other motor vehicle at a speed greater than ten miles an hour, on a wharf. Notwithstanding the foregoing, no vehicle of any description shall be driven on a wharf, recklessly, negligently, or at a speed, or in a manner, dangerous to the public.

*Drivers not to leave horses uncontrolled*

20. The driver of any vehicle drawn by a horse or other animal shall remain beside such horse or animal, except when loading or discharging said vehicle, and shall not then go so far that the horse or animal is beyond his control.

**VESSELS**

*Allotment of berths*

21. No vessel shall take berth at any wharf unless assigned thereto by the wharfinger.

*Fastenings of vessels to wharf, how made*

22. The fastenings of a vessel to a wharf shall be attached to the rings placed on the outer edge or to the mooring posts thereof and shall not in any manner cross or traverse the wharf or be attached to any thing other than the fastenings specially provided for that purpose.

*Lights on vessels*

23. The person in charge of any vessel lying at a wharf shall exhibit from sunset to sunrise a white light at each end of such vessel at a height not exceeding six feet above the deck.

**Government Harbours and Piers Act—continued***Canvas save-all*

24. Vessels loading or unloading, whether on to a wharf or into any other vessel, shall have a good tight canvas save-all stage or spout, in order to prevent any portion of their cargo from falling into the water.

*Removal from one berth to another*

25. The wharfinger shall have power to order the removal of any vessel from one part to any other part of a wharf whenever he deems it necessary to do so to promote the interests of those doing business at that wharf.

*Precedence to vessels, at wharf*

26. Vessels to discharge cargo will take precedence over vessels to load.

*Report of cargo*

27. After a vessel has taken the berth assigned her at any wharf, the person in charge thereof shall forthwith make, under his signature, to the wharfinger, at his office, a faithful report of the cargo to be landed, or, in case there is no cargo to be landed, a declaration that there is no cargo to land.

## WHARFAGE

*Imposition of dues*

28. The wharfage specified in Part First of the Schedule is hereby imposed to be paid for the use of the wharf at Sault Ste. Marie (Ontario) and the wharfage specified in Part Second of said Schedule is hereby imposed to be paid for the use of any other wharf which is not leased by the Governor in Council.

*Authorization to collect dues*

29. The wharfinger at any of these wharves respectively is authorized to ask, receive and collect said wharfage from, and to levy the same on, persons or vessels using such wharf and on goods landed, placed or deposited thereon; subject to the exceptions and modifications hereinafter mentioned.

*Collection of wharfage*

30. Subject to the exceptions and restrictions contained in these Regulations wharfage is chargeable and shall be collected at a wharf according to the Schedule, from any person or vessel using same and upon any goods landed or deposited thereon, or shipped therefrom, unless the Minister has authorized a commutation of said wharfage in favour of such person or vessel at said wharf; in which case the substituted amount only shall be chargeable and collected in conformity with the instructions from the Minister concerning such commutation.

*Evidence of intention to ship*

31. The mere fact that goods of whatever description have been landed or placed on any part of a wharf shall be presumptive evidence that the owner intended to ship the same.

*Structures to pay ground rent*

32. Any structure erected upon or attached to a wharf shall pay ground rent as determined by the Minister.

**Government Harbours and Piers Act—continued**

*Goods landed in or shipped from structures on wharf*

33. Goods landed or deposited in or on, or shipped or placed for shipment from off, any structure erected upon or attached to a wharf shall be liable to wharfage as per Schedule, and shall be dealt with generally under these Regulations as if they had been landed or deposited in or on, or shipped or placed for shipment from off, any other part of the wharf.

*Goods liable to tolls even if not shipped*

34. All goods landed or placed on a wharf shall be liable to wharfage, as per Schedule, whether they are afterwards shipped or not, and shall likewise be subject to all the Regulations as to removal and ground rent.

*Rates for shipping and landing*

35. All goods shipped from any wharf will be charged the same rates as for landing, except in the case mentioned in the next following section.

*Goods reshipped to pay one wharfage*

36. All goods landed on a wharf for reshipment shall pay only one wharfage.

*Half-rates*

37. Goods discharged from one vessel into another vessel will be charged half the specified rates chargeable for goods landed upon any wharf; and in all cases said charge is to be paid by the inside vessel.

*Ground rent*

38. Whenever any goods placed on a wharf are not removed within forty-eight hours from the time of their being so placed, they shall be subsequently charged, besides and over the amount of tolls fixed in the Schedule, a ground rent as determined by the Minister.

39. Goods not coming under any class enumerated in the Schedule shall be charged at the same rate as the class to which they are most nearly assimilated.

*Minimum charge*

40. Each entry shall pay not less than five cents.

*Ad valorem rate*

41. On all goods whatsoever, the quantity of which by right measurement or other mode of estimate provided for in the Schedule cannot be conveniently ascertained, it shall be lawful for the wharfinger to levy a rate of one-quarter of one per cent of the value thereof.

*Shelter*

42. Vessels, lying with moorings attached for shelter and harbour, shall pay one-half cent per registered ton for every twenty-four hours or portion thereof while so attached; the maximum charge not to exceed \$10 for the 24-hour period, or portion thereof.

*Rate for winter and summer quarters*

43. Special arrangements may be made with the wharfinger for vessels lying at the wharf during the winter season, and/or during the summer season.



**Government Harbours and Piers Act—continued***Ballast*

44. Wharfage will be charged on all ballast put on board or taken from any vessel at a wharf.

**EXEMPTIONS***Fishing vessels*

45. Canadian fishing vessels, while employed exclusively in fishing, making use of a wharf, are exempt from paying side wharfage; provided that side wharfage shall be payable by Canadian fishing vessels making use of such wharf or wharves as may, from time to time, be designated by the Minister.

*Fishing gear*

46. All supplies and fishing gear shipped on board a Canadian fishing vessel employed exclusively in fishing for her use while so employed, and all fish on being landed, whether fresh, partly cured or wholly cured, if the ship's catch, are exempt from paying top wharfage.

*Government vessels*

47. The Schedule does not apply to vessels and goods belonging to the Government of Canada, which are exempted from the payment of any wharfage.

*Rates where freight charges under \$10*

48. In the case of steamboats landing or taking in goods at any wharf, where the freight charges earned by the steamboat carrying the goods will amount to only ten dollars or under on any one trip, wharfage at one-half the rate fixed by the Schedule shall be charged such steamboat; the freight charges to be estimated on goods shipped as well as on goods delivered at such wharf.

*Steamboats using wharf more than once on same day*

49. Steamboats having occasion to make use of the same wharf more than once on the same day shall be required to pay dues only for the first time of so using.

*Steamboats using wharf on two days or more a week*

50. Steamboats using the same wharf on two days or more a week shall be required to pay dues only on the first two days of each week of using the same.

**STEAMBOATS CARRYING MAIL***Mail boats*

51. Steamboats carrying His Majesty's Mail shall pay the same dues as other steamboats, but shall be entitled to a preference of berths at the wharf when engaged in delivering or receiving the said mail.

**COLLECTION AND RECOVERY OF WHARFAGE***When wharfage is due and exigible*

52. Wharfage incurred in respect of the use of a wharf by any person or vessel, or of depositing goods thereon becomes due and exigible from the moment said person or vessel so uses same or said goods are so deposited.

**Government Harbours and Piers Act—continued***Payment of wharfage*

53. Payment of wharfage must be made to the wharfinger by the person who is legally responsible to pay it when same becomes due; and the wharfinger must see that such payment is made to his satisfaction prior to the departure of the vessel, or removal of the goods in respect of which said wharfage has become due; provided that the wharfinger may use his discretion, in cases where the facilitating of trade might require (without imperilling the King's rights) that such payment be delayed, and suspend the collection thereof and permit the departure of said vessel or removal of said goods.

*Levy on goods*

54. After the expiry of four weeks from the date any wharfage on goods deposited on any wharf has become due, when no permission has been given by the wharfinger for their previous removal when such removal although permitted has not been effected previously, the wharfinger may apply to a justice of the peace for an order to levy the said wharfage, according to the Statutes and Regulations in such case made and provided.

*Recovery of wharfage*

55. Any wharfage payable by a vessel which, by permission of the wharfinger or for some other reason, has not been acquitted and paid over by the person in charge thereof on the date the same became due, may be recovered at any subsequent time as a debt due and payable to His Majesty from the owner, master and agent of such vessel jointly and severally, together with full costs of suit.

*Recovery of wharfage on goods removed*

56. Any wharfage payable upon goods, which by permission of the wharfinger or for some other reason, have been removed from a wharf without payment having been effected of such wharfage, may be recovered at any subsequent time as a debt due and payable to His Majesty from the owner and/or consignee of such goods, and/or person to whom such goods have been delivered or who is in charge of them, jointly and severally, together with full costs of suit.

*Recovery of wharfage for wharf used otherwise than two previous sections*

57. Any wharfage payable by a person having used a wharf otherwise than mentioned in the two preceding sections which, by permission of the authority having allowed such use or for any other reason, has not been acquitted and paid over when it became due, may be recovered at any subsequent time as a debt due and payable to His Majesty from such person, together with full costs of suit.

**GENERAL***No dirt, sweeping of the hold, or rubbish to be deposited on wharf*

58. No dirt whatsoever, sweeping of the hold or rubbish of any kind or nature shall be thrown or deposited upon any wharf from any vessel or from any other place by any person.

**Government Harbours and Piers Act—continued***Regulations to be observed and wharfinger's instructions to be obeyed*

59. It shall be the duty of the wharfinger to see that these Regulations are duly observed, and the wharfinger may, and he is hereby authorized to give all necessary instructions, orders and directions for the due carrying out of these Regulations, all of which shall be strictly obeyed by all persons concerned.

*Obstructing wharfinger*

60. No person shall hinder, oppose, molest or obstruct the wharfinger or any of his assistants in the discharge of his or their duties as such officers.

**PENALTIES***Obstructing wharfinger*

61. Any person who hinders, opposes, molests or obstructs a wharfinger or any of his assistants in the discharge of his or their duty shall be liable to a penalty of forty dollars for each and every offence.

*Penalty for omission to make report or declaration*

62. The person in charge of a vessel omitting to make forthwith after having taken the berth assigned at a wharf under his signature to the wharfinger, at his office, a faithful report of the cargo to be landed, or, in case there is no cargo to be landed, a declaration that there is no cargo to land shall be liable to a penalty of fifty dollars.

*Penalty for making false report*

63. Any person in charge of a vessel wilfully making a false report to the wharfinger of the cargo to be landed, or wilfully making a false declaration that there is no cargo to land when cargo is landed, shall be liable to a penalty of one hundred dollars and to imprisonment for a term of thirty days.

*General penalty*

64. The penalty for violation of any of these Regulations for which no penalty is provided, or for disobeying the lawful orders or directions of the wharfinger, in respect to any provision of the same, shall be twenty dollars to be imposed upon the person in charge of the vessel not conforming with, or any person violating, the particular requirements of such Regulations, orders, or directions as the case may be.

Government Harbours and Piers Act—*continued*

SCHEDULE

PART FIRST

TARIFFS OF TOLLS AND DUES LEVIABLE ON VESSELS AND MERCHANDISE USING  
THE GOVERNMENT WHARF AT SAULT STE. MARIE, ONT.

<i>Name of Article</i>	<i>Tariff Cents</i>
Animals, undescribed, each.....	3
Apples, per barrel .....	2
Apples, 50-lb. box, each.....	$\frac{1}{3}$
Automobiles, each .....	100
Bacon, per 100 lbs. ....	2
Bark, per cord .....	5
Barrels of flour, bread, meal, lime, per 100 lbs.....	2
Barrels of currants, pitch, tar, cement, plaster-of-paris, whiting, beans, peas, pearl-barley, per 100 lbs.....	2
Barrels, empty, per 100 .....	25
Ballast, per ton .....	10
Beef and pork, per barrel.....	4
Beer, ale and porter, per barrel.....	4
Beer, ale and porter, per half barrel.....	2
Beer, ale and porter, per quarter barrel.....	1
Boats, each .....	15
Boilers, per ton.....	40
Boilers, for farmers' use, each.....	2
Bricks, per thousand.....	20
Brooms, per dozen.....	1
Buckets, per dozen.....	1
Building stone, per cord.....	10
Building stone and like material, per ton.....	40
Butter, per 100 lbs.....	2
Calves, each .....	2
Carriages, wagons and carts of all kinds, each.....	10
Cases, bales and other similar goods, per ton.....	40
Casks, empty, each.....	3
Cattle and horses, per head.....	10
Cedar posts, per 100.....	20
Cement, per ton.....	10
Chains and anchors, per ton.....	40
Cheese, per 100 lbs.....	2
Cider, per barrel .....	3
Clover seed, per bushel.....	1
Coal, per ton.....	5
Colts and fillies, each.....	7
Cordage and ropes, per ton.....	40
Cordwood, per cord .....	5
Cranberries, per 100 lbs.....	2
Crockery (including china and glassware), per crate.....	10
Cultivators, each .....	3
Dry goods, in cases or bales, per 100 lbs.....	2
Earthenware, coarse, per crate.....	10



**Government Harbours and Piers Act—continued**

<i>Name of Article</i>	<i>Tariff Cents</i>
Eggs, per barrel or box of 72 dozen.....	2
Fanning mills, each .....	15
Fish, fresh .....	Free
Fish, pickled, per barrel.....	2
Fish, pickled, per half barrel.....	1
Fish, dried, per 100 lbs.....	1
Flour, per 100 lbs.....	2
Fruit, per 100 lbs.....	1
Furniture, per ton measurement.....	30
Grain of all kinds, per ton.....	30
Gravel or stone, for use of roads.....	Free
Grindstones, per ton.....	15
Gunpowder, per keg.....	1
Gypsum, per ton .....	15
Hams, per 100 lbs.....	2
Hardware, not specified, per ton.....	20
Hay, per ton.....	20
Headings, barrel, per 1,000.....	25
Hides and skins, per 100 lbs.....	2
Hogsheads and puncheons, each.....	7
Hoops, per 1,000 .....	4
Hops, per ton .....	40
Horse rakes, each.....	10
Iron, bar, per ton .....	30
Iron, pig, per ton.....	30
Iron, scrap, per ton.....	30
Lard, per 100 lbs.....	2
Laths, per 1,000 pieces .....	5
Leather, per 100 lbs.....	3
Lime, in bulk, per ton.....	10
Lumber, sawn or square, per 1,000 feet board measure.....	30
Lumber, sawn or square, per 1,000 feet deal measure when exported.....	10
Machinery, engines, etc., per ton.....	40
Machines, reaping and mowing, each.....	20
Machines, threshing, each.....	50
Marble, per ton .....	20
Matches, per 10 gross.....	3
Mattresses, each .....	4
Millstones, per pair.....	20
Molasses, per puncheon or hogshead.....	7
Musical instruments, such as pianos, organs and melodeons, each...	25
Nails, per keg.....	2
Nails and spikes, per ton .....	40
Nursery, produce, per ton .....	30
Oakum, per 100 lbs. ....	2
Oatmeal, per ton .....	40
Oils, per barrel .....	5
Paints, per ton .....	30
Paints, per 100 lbs.....	1½
Pearl ashes and potashes, per barrel.....	2
Pears, 50-lb. box, each.....	1
Pickets, per 1,000 .....	5

Government Harbours and Piers Act—continued

<i>Name of Article</i>	<i>Tariff Cents</i>
Plaster, calcinated, per 100 lbs. ....	2
Plaster, land, per 100 lbs.....	2
Plaster, rough from quarry, per ton.....	2½
Ploughs, each .....	3
Poles, telegraph, each.....	¼
Potatoes and roots, per 100 lbs.....	1½
Rags, per ton .....	40
Rakes (hay), snaths and forks, per dozen.....	2
Rice, per 100 lbs.....	2
Root, slicers, each.....	5
Salt, per barrel .....	2
Salt, per ton .....	20
Sand, per ton .....	10
Saw logs, per 1,000 ft. board measure.....	10
Sewing machines, each .....	5
Sheep, per head .....	2
Shingles per 1,000 .....	5
Shingle or stay bolts, per cord.....	5
Shovels, per doz. ....	2
Slate, per ton .....	30
Soap, per 100-lb. boxes.....	2
Spirits of all kinds and wines, per barrel.....	10
Spirits of all kinds and wines, per half barrel.....	5
Spirits of all kinds and wines, per keg and quarter barrel.....	2½
Spirits of all kinds and wines, per doz. bottles.....	2
Staves, for fish, flour and salt barrels, per 1,000.....	5
Staves, for pipes, per 1,000.....	20
Staves, West Indian, per 1,000.....	15
Steel rails, per ton.....	15
Stone (not used for building or roads) per ton.....	30
Stone or gravel or earth ballast for shipping, per ton.....	10
Stoves, per 100 lbs.....	2
Straw cutters and hay cutters, each.....	5
Sugar, per ton.....	30
Sulphur, per ton .....	12
Swine, each .....	2
Teas, per chest .....	2
Ties, railroad, per 100 ties .....	25
Timber, per 1,000 ft. ....	10
Timothy seed, per bushel .....	1
Tinware, per ton .....	40
Tobacco, per 100 lbs. ....	4
Vegetables, not otherwise provided for, per 100 lbs.....	1
Vehicles, undescribed, each.....	10
Vinegar, per barrel .....	2
Wood, per cord .....	5
Wool, per ton .....	40

Unenumerated articles (which cannot be assimilated to any class of the goods mentioned in this part of the schedule) 40 cents per ton.

Minimum charge ..... 10 cents

## Government Harbours and Piers Act—continued

## Sailing Vessels

						Tariff Cents
On each sailing vessel, under	50 tons.....					\$0 10
“ of	50 “ and under	100 tons..				0 15
“ “	100 “ “ “	200 “ ..				0 20
“ “	200 “ “ “	300 “ ..				0 30
“ “	300 “ “ “	500 “ ..				0 50
“ “	500 “ “ “	800 “ ..				0 75
“ “	800 “ “ “	1,200 “ ..				1 00
“ “	1,200 “ “ “	1,600 “ ..				1 25
“ above	1,600 “ .....					1 50

## Steamboats

						Tariff Cents
On each steamboat, under	50 tons.....					\$0 20
“ of	50 “ and under	100 tons..				0 30
“ “	100 “ “ “	200 “ ..				0 40
“ “	200 “ “ “	300 “ ..				0 60
“ “	300 “ “ “	500 “ ..				1 00
“ “	500 “ “ “	800 “ ..				1 50
“ “	800 “ “ “	1,200 “ ..				2 00
“ “	1,200 “ “ “	1,600 “ ..				2 50
“ above	1,600 “ .....					3 00

## PART SECOND

## GENERAL TARIFF ON WHARFAGE

## TOP WHARFAGE

Name of Article	Tariff Cents
Animals, undescribed, each.....	3
Apples, per barrel .....	1
Apples, 50-lb. box, each .....	$\frac{1}{3}$
Bacon, per 100 lbs.....	2
Bark, per cord .....	5
Barrels of flour, bread, meal, lime.....	1
Barrels of currants, pitch, tar, cement, plaster-of-paris, whiting, beans, peas, pearl-barley, fish.....	2
Barrels, empty per 100 .....	25
Ballast, per ton .....	10
Beans, per ton .....	21
Beef, per 100 lbs .....	2
Beef and pork, per barrel .....	2
Beer, ale and porter, per barrel.....	4
Beer, ale and porter, per half barrel.....	2
Beer, ale and porter, per quarter barrel.....	1
Beer bottled, per doz. ....	$\frac{1}{2}$
Beer, bottled, per barrel .....	4
Beer, bottled, per half barrel .....	2
Boats, each .....	1

Government Harbours and Piers Act—continued

Name of Article	Tariff Cents
Boilers, per ton .....	20
Boilers, for farmers' use, each.....	2
Bricks, per thousand .....	20
Brooms, per dozen .....	1
Buckets, per dozen .....	1
Building stone, per cord .....	10
Building stone and like material, per ton.....	5
Butter, per 100 lbs. ....	2
Calves, each .....	2
Carriages, wagons and carts of all kinds, each .....	10
Cases, bales and other similar goods per ton of 40 cu. ft.....	10
Casks, empty, each .....	3
Casks, empty, not larger than barrels, per 100.....	25
Cattle and horses, per head .....	10
Cedar posts, per 100.....	20
Cement, per ton .....	10
Chains and anchors, per ton.....	20
Cheese, per 100 lbs.....	2
Cider, per barrel .....	3
Clover seed, per bushel .....	1
Coal, per ton .....	5
Colts and fillies, each .....	7
Cordage and ropes, per ton .....	20
Cordwood, per cord .....	3
Cranberries, per barrel .....	2
Cream, per 100 lbs. ....	2
Crockery (including china and glassware), per crate .....	10
Cultivators, each .....	3
Dry goods, cases, bales .....	7
Earthenware, coarse, per crate.....	10
Eggs, per barrel or box of 72 dozen.....	2
Explosives, per ton .....	50
Fanning mills, each .....	15
Feed, Grain, Patent Animal Feed, per ton.....	10
Fish, fresh .....	Free
Fish, pickled, per barrel .....	2
Fish, pickled, per half barrel .....	1
Fish, dried, per 100 lbs.....	1
Flour, per barrel .....	1
Flour, per ton .....	10
Fruit, in tins or in glass, per ton .....	40
Fruit, in tins or in glass, exported, per ton.....	25
Fruit, not otherwise provided for, per 100 lbs.....	1
Furniture, per ton measurement .....	30
Grain of all kinds except oats, per bushel.....	$\frac{1}{4}$
Grain, per 100 lbs. ....	$\frac{1}{2}$
Grain, Oats, per 100 lbs. ....	$\frac{3}{8}$
Grain, Oats, per bushel .....	$\frac{1}{8}$
Grain of all kinds except oats, per bushel, passing through Grand Trunk elevator at Goderich, per bushel .....	$\frac{1}{8}$
Grain, oats, per bushel, passing through Grand Trunk elevator at Goderich .....	$\frac{1}{16}$



**Government Harbours and Piers Act—continued**

<i>Name of Article</i>	<i>Tariff Cents</i>
Gravel or stone, for use of roads .....	Free
Grindstones, per ton .....	15
Gyproc, per 1,000 ft. B.M. ....	10
Gypsum, per ton .....	15
Hams, per 100 lbs. ....	2
Hardware, not specified, per ton .....	20
Hay, per ton .....	10
Headings, barrel, per 1,000 .....	25
Hides and skins, per 100 lbs. ....	1
Hogsheads and puncheons, each .....	7
Honey, per ton .....	30
Hoops, per 1,000 .....	4
Hops, per 1,000 lbs. ....	5
Horse rakes, each .....	5
Iron, bar, per ton .....	15
Iron, pig, per ton .....	15
Iron, scrap, per ton. ....	15
Lard, per barrel .....	2
Laths, per 1,000 pieces .....	2
Leather, per 100 lbs. ....	3
Lime, in bulk, per ton .....	10
Lobsters, live, per ton. ....	40
Lumber, sawn or square, per 1,000 ft. board measure. ....	10
Lumber, sawn or square, per 1,000 ft. deal measure when exported. .	10
Machinery, engines, etc., per ton .....	20
Machines, reaping and mowing, each .....	20
Marble, per ton .....	20
Matches, per 10 gross .....	3
Mattresses, each .....	4
Milk, per 100 lbs. ....	2
Millstones, per pair .....	20
Molasses, per puncheon or hogshead. ....	7
Molasses, per barrel .....	4
Molasses, per half barrel .....	2
Musical instruments, such as pianos, organs and melodeons, each. .	25
Nails, per keg .....	1
Nails and spikes, per ton .....	20
Nursery produce, per ton. ....	30
Oakum, per 100 lbs. ....	1
Oatmeal, per ton .....	10
Oil, per barrel .....	2
Oil in bulk, per gallon .....	½ <sup>0</sup>
Onions, per ton .....	10
Paints, per ton .....	20
Paint, per 100 lbs. ....	1
Pearl ashes and potashes, per barrel .....	2
Pears, 50-lb. box, each .....	¼
Pickets, per 1,000 .....	3
Pigs, each .....	2
Piles, wooden, 1,000-ft. board measure. ....	10
Plaster, calcined, per barrel .....	2
Plaster land, per barrel .....	2
Plaster, rough, from quarry, per ton .....	2½

Government Harbours and Piers Act—continued

Name of Article	Tariff Cents
Ploughs, each .....	3
Poles, telegraph, each .....	$\frac{1}{4}$
Potatoes and roots, per bushel.....	$\frac{1}{4}$
Rags, per ton .....	20
Rakes (hay), snaths and forks, per doz.....	1
Refrigerators, per ton measurement .....	30
Rice, per bag .....	2
Root slicers, each .....	5
Salt, per barrel .....	1
Salt, per ton .....	10
Sand, per ton .....	5
Saw logs, per 1,000-ft. board measure .....	10
Sewing machines, each .....	5
Sheep, per head .....	2
Shingles, per 1,000 .....	2
Shingle or stave bolts, per cord.....	3
Shovels, per dozen .....	1
Slate, per 10 ft. square .....	3
Soap, per 100-lb. boxes .....	1
Spirits of all kinds and wines, per barrel .....	10
Spirits of all kinds and wines, per half barrel .....	5
Spirits of all kinds and wines, per keg and quarter barrel .....	2 $\frac{1}{2}$
Spirits of all kinds and wines, per doz. bottles .....	2
Staves, for fish, flour and salt barrels, per 1,000.....	5
Staves, for pipes, per 1,000 .....	20
Staves, West Indian, per 1,000 .....	15
Steel rails, per ton .....	15
Stone (not used for building or roads), per ton.....	15
Stone or gravel or earth ballast for shipping, per ton.....	10
Stoves, each .....	2
Straw cutters and hay cutters, each.....	5
Sugar, per hogshead .....	7
Sugar, per ton .....	30
Sulphur, per ton .....	12
Swine, each .....	2
Teas, per chest .....	2
Ties, railroad, per 100 ties .....	25
Timber, per 1,000 ft. ....	10
Timothy seed, per bushel .....	1
Tinplate, per ton .....	10
Tinware, per ton .....	40
Tobacco, per 100 lbs. ....	4
Trees, per ton measurement .....	10
Vegetables, in tins or in glass, per ton .....	40
Vegetables, in tins or in glass, exported, per ton.....	25
Vegetables, not otherwise provided for, per 100 lbs.....	1
Vehicles, undescribed, each .....	10
Vinegar, per barrel .....	2
Wood, per cord .....	3
Wood pulp, ground, per ton .....	5
Wool, per ton .....	20
Wallboard, per ton.....	10

**Government Harbours and Piers Act—continued**

Unenumerated articles (which cannot be assimilated to any class of the goods mentioned in this part of the schedule) per barrel bulk of 5 cubic feet, 2 cents, or 10 cents per ton.

**STORAGE RATES IN FROST-PROOF WAREHOUSES**

Vegetables and roots in frost-proof warehouses (after expiry of 20-day free period)— $\frac{1}{16}$  cent per bushel per day.

If warehouses are heated, additional charges are:

$\frac{1}{4}$  cent per bushel for the first ten days (no free period) or fraction thereof.

$\frac{1}{8}$  cent per bushel for each five days, or fraction thereof, after the first ten days.

**SIDE WHARFAGE**

(Per 24-hour period or portion thereof)

*Sailing Vessels*

On each sailing vessel, under	50 tons.....	\$0 10
“ of	50 “ and under	100 tons.. 0 15
“ “	100 “ “ “	200 “ .. 0 20
“ “	200 “ “ “	300 “ .. 0 30
“ “	300 “ “ “	500 “ .. 0 50
“ “	500 “ “ “	800 “ .. 0 75
“ “	800 “ “ “	1,200 “ .. 1 00
“ “	1,200 “ “ “	1,600 “ .. 1 25
“ above	1,600 “ .....	1 50

*Steamboats*

On each steamboat, under	50 tons.....	\$0 20
“ of	50 “ and under	100 tons.. 0 30
“ “	100 “ “ “	200 “ .. 0 40
“ “	200 “ “ “	300 “ .. 0 60
“ “	300 “ “ “	500 “ .. 1 00
“ “	500 “ “ “	800 “ .. 1 50
“ “	800 “ “ “	1,200 “ .. 2 00
“ “	1,200 “ “ “	1,600 “ .. 2 50
“ above	1,600 “ .....	3 00

**CANADIAN FISHING VESSELS—APPLICATION OF RATES**

(1) *Side Wharfage* shall be computed, levied and collected on

(a) registered vessels, on the registered length; and

(b) unregistered vessels, on the overall length (the overall length, when unknown, shall be determined by the wharfinger or other duly authorized officer):

**Government Harbours and Piers Act—continued**

in accordance with the following rates:

	<i>Each twenty four (24) hours or part thereof after expiry of forty-eight (48) hours free time.</i>	<i>Maximum in any one (1) Calendar Month.</i>
Vessels, not over 25 feet in length	\$0.15.....	\$2.00
“ over 25 feet but not over 40 feet	0.25.....	3.00
“ “ 40 “ “ “ “ 50 “	0.35.....	4.00
“ “ 50 “ “ “ “ 60 “	0.40.....	5.00
“ “ 60 “ “ “ “ 70 “	0.50.....	6.00
“ “ 70 “ “ “ “ 80 “	0.60.....	7.00

(2) The forty-eight (48) hours free time referred to in the foregoing table shall be granted for

- (a) landing vessel's catch
- (b) obtaining supplies; and
- (c) voyage repairs.

NOTE: The above side wharfage charges shall be levied only at such wharves as may from time to time be designated by the Minister.

(3) *Miscellaneous charges:*

- (a) Electric current (if and when available).... at prevailing rates of locality;
- (b) Fresh water (if and when available).... at current prices.

**2. Tariff of tolls and dues to be levied for the use of the Government Assembly Wharf, Nanaimo, B.C.**

P.C. 1663

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 16th day of April, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of the Government Harbours and Piers Act, chapter 89, Revised Statutes of Canada, 1927, is pleased to order as follows:

1. The Tariff of Tolls and Dues to be levied for the use of the Government Assembly Wharf at Nanaimo, B.C., established by Order in Council P.C. 2468 of October 4th, 1938, as amended, is hereby revoked; and

2. The attached "Tariff of Tolls and Dues to be Levied for the Use of the Government Assembly Wharf at Nanaimo, B.C." is hereby made and established in substitution for the Tariff of Tolls and Dues hereby revoked.

N. A. ROBERTSON,

*Clark of the Privy Council.*



**Government Harbours and Piers Act—continued**

TARIFF OF TOLLS AND DUES TO BE LEVIED FOR THE  
USE OF THE GOVERNMENT ASSEMBLY WHARF  
AT NANAIMO, B.C.

Item	Subject	GENERAL RULES AND REGULATIONS AND SCHEDULE OF MISCELLANEOUS CHARGES
1	Top Wharfage	<p>(a) Definition: Top Wharfage Charges are charges made on cargo passing over the wharf or transferred between vessels or loaded from water over ship's side while vessel occupies berth at Wharf, and are exclusive of any sorting, piling, weighing, handling or trucking.</p> <p>(b) Wharfage Limitations: Freight paying inward wharfage shall not be subject to outward wharfage when re-shipped by water from the wharf if no processing or alteration takes place.</p> <p>(c) Wharfage Overside: Shipments loaded or discharged overside of vessel from or to vessel, or scow, or taken from or discharged into water, when vessel is lying alongside the wharf, to be charged one-half regular wharfage.</p> <p>(d) Per Article Wharfage: On Goods for which vessel tariff rates are "Per Article", wharfage charges will be assessed on weight basis, unless specified wharfage charges are provided.</p> <p>(e) Wharfage on Ship's Stores: Ship's stores handled over wharf and fuel over ship's side for vessels loading or unloading cargo at wharf shall not be subject to wharfage charges unless receipted for by Wharfinger. Repair material, lining, fuel oil, coal or ballast handled over wharf are subject to regular wharfage charges, except when delivered direct to vessel. No charge will be made for lining material when taken overside from scow.</p>
2	Handling Charges	<p>(a) Handling Charges Defined: Handling charges are charges made for moving freight to or from ship's slings and include ordinary sorting, piling and trucking in shed.</p> <p>(b) Direct Handling from Box Cars to Vessels: Transfer of cargo over terminals between box cars and ship's slings, whether transferred direct by ship's sling, or other means, or through sheds, or whether in course of transfer is deposited at a place of rest on wharf or in shed, shall for like commodities, be deemed equal service and be subject to the same charges.</p> <p>(c) Direct Handling Between Vessels and Open Cars: On cargo transferred direct from ship's slings and loaded on open cars at ship's side, a loading charge of 25c per ton will be assessed, except on bulk cargo, such as coal, sulphur and similar commodities which will be free of charge if no handling required.</p>
3	Unloading and Loading	<p>(a) Loading and Unloading Defined: Loading and unloading charges are charges made for loading freight from Wharf into or on cars, and for unloading carload freight from cars on to Wharf, but do not include handling to or from ship's slings:</p>

Government Harbours and Piers Act—continued

Item	Subject	GENERAL RULES AND REGULATIONS AND SCHEDULE OF MISCELLANEOUS CHARGES
3	Unloading and Loading (Continued)	<p>(b) Car Blocking and Dunnage: Loading charges specified herein do not include cost of car stakes, lumber, or other material that may be necessary for the bracing of loads on or in cars. When such material is necessary cost of same plus 15% will be charged against shipment.</p> <p>(c) There is a special charge for the hauling of cars from and to Stockett Junction. Particulars may be obtained from the Wharfinger.</p>
4	Labour Exceptions	<p>(a) Labour Rates: Labour rates are based on current rate of wages and for work performed on regular working days between the hours of 8 a.m. and 5 p.m.</p> <p>(b) Labour Overtime and Stand-by Time: Rates named for loading or unloading, handling, and other labour, are based on current wages paid for straight time. When such services are performed during overtime between 5.00 p.m. and 8.00 a.m., and on Sundays and holidays, the difference in wages paid between straight time and overtime plus 10% will be charged to parties authorizing such overtime.</p> <p>(c) Labour Overtime—(Applying on Oils, Vegetables, Fish and Molasses): When labour is performed during overtime hours or on Sundays or holidays, the difference between straight time and overtime shall be charged against the goods.</p>
	Labour N.O.S.	All labour not otherwise specifically provided for, will be performed at actual cost plus 15%.
5	Storage	<p>(a) Storage Defined: Storage charges are charges made on freight remaining on wharf property after expiration of free time period, as per item No. 8, and are exclusive of any sorting, piling, wharfage, handling or trucking. Goods are at sole risk of owner</p> <p>(b) Right to Remove: The right is reserved to the wharfinger to remove and to store in a public or private warehouse, to remove to another shed, or portion of same shed, or to re-pile, freight on hand after expiration of free time. All expenses incurred in so doing to be for account of consignee and/or owner, such freight to be held entirely at owner's risk and cost, subject to lien for freight and all other charges.</p> <p>(c) Customs Delay: Storage charges shall not be collected in instances where delay in delivery of freight is clearly the responsibility of Department or on account of delays for which Customs officials may be responsible. In the latter instance, certificates must be surrendered from Customs officials, giving reason for delay.</p>
6	STORAGE Ground Rentals	<p>Ground Rentals: Certain sites are available on the wharf property and these may be occupied under permits of occupation, through arrangement with the Wharfinger, and with the approval of the Minister.</p>

**Government Harbours and Piers Act—continued**

Item	Subject	GENERAL RULES AND REGULATIONS AND SCHEDULE OF MISCELLANEOUS CHARGES
7	STORAGE Outside	Outside Storage: Special rates on outside storage, on commodities (other than Lumber) may be secured from the Wharfinger with the approval of the Minister.
8	Free Time Period	(a) Definition: By "Free Time" Period is meant a specified number of days immediately preceding a vessel's complete discharge. Free time periods are exclusive of Sundays and legal holidays. After expiration of said free time, storage charges will be assessed as per tariff. (b) Local Traffic: Unless otherwise specified under individual items, the free time period will be four (4) days.
9	Side Wharfage	(a) Side Wharfage Defined: Side Wharfage is the charge against a vessel for the use of berthing space at wharf when not engaged in loading or discharging cargo. (b) Vessels Required to Change Berths: Berthing of vessels shall be at the discretion of Wharfinger and then only with the understanding that vessel shall move its position from place to place at terminal or leave terminal at the direction of the Wharfinger when berth is otherwise required. When a vessel, with or without cargo, is required to move, notice by Wharfinger to officer in charge of vessel shall be considered sufficient, and if such vessel fails or refuses to move as directed, the Wharfinger shall move the vessel by tug or otherwise, as may be necessary, and the expense thereof shall be charged to the vessel, and any damage sustained by the vessel, other vessels, or the wharf during the removal shall likewise be charged to the vessel.
10	Explosives and Inflammables	Explosives, liquid petroleum products, hay, straw, and other commodities, deemed extra hazardous, will be received only between the hours of 8.00 a.m. and 5.00 p.m., and must be immediately removed from the premises. Shippers of explosives must present permit from the Wharfinger before explosives shall be received on, or transferred over wharf.
11	Improper Pack- ing and Fragile Articles	All freight not packed in packages suitable for standing the ordinary handling incident to its transportation may be rejected, or repacked, at expense of shipper. Glass, liquids, and fragile articles shall be accepted only at owner's risk of breakage, leaking and chafing.
12	Limited Responsibility	Limited Responsibility for Loss or Damage: The Wharfinger will not be responsible for injury to freight on the property, caused by rats, mice, moths, weevils, frost or the weather, nor will he be answerable for any delay, loss or damage arising from combination or strikes of any persons in his own employ or in the service of others, nor from any consequence arising therefrom.
13	Live stock	All shipments of live stock must be looked after, handled and cars unloaded and loaded by the owners.

Government Harbours and Piers Act—continued

Item	Subject	GENERAL RULES AND REGULATIONS AND SCHEDULE OF MISCELLANEOUS CHARGES
14	Perishables Offensive Freight	Perishables and offensive freight shall be received only at the discretion of the Wharfinger.
15	Dangerous Articles	High Explosives, Gasoline, Naphtha and Distillate, will not be accepted for storage.
16	All Traffic	Charges: Charges are in cents per ton of 2000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified. FOR RATES SEE ITEMS 18 to 129.

Item	Subject	MISCELLANEOUS CHARGES
17	Berthing	(a) Vessels, hulks, scows or tugs making use of the wharf but not loading or discharging freight, will be charged the following rates for each twenty-four (24) hours or fraction thereof: Vessels, etc., 100 feet in length or under..... \$1.50 Vessels, etc., 101 feet in length to 150 feet in length.. 5.00 Vessels, etc., 151 feet in length to 250 feet in length.. 10.00 Vessels over 250 feet in length—By Special arrangement.
	Electric Current	(b) Electric Current (if and when available): Electric Current for light furnished vessels, per K.W. Hour..... \$0.07 Minimum Charge..... 0.50 Installation at cost plus 15%.
	Extra Labour Checking Weights, etc.	(c) Extra Labour Checking Weights, etc.: When Consignees or shippers require to be furnished with particulars of serial number, special stencilled marks, weights of packages, etc., an additional charge of thirty cents (30) per 2000 lbs. must be assessed in addition to rates provided herein.
	Fresh Water	(d) Fresh Water (if and when available): Fresh water supplied vessels, per ton... \$0.10 Minimum Charge..... 0.50 Use of hose when furnished by Wharf..... 2.00 (Compute 6·2321 gallons per cu. ft. or 35·943 cu. ft. per ton—224 gals.)
	Labour for Special Services	(e) Labour for Special Services: Labour for special services of any kind, not otherwise provided for, will be charged at cost plus 15 %.
	Sorting of Brands and Sub-Marks	(f) Sorting of Brands and Sub-Marks: An extra charge of 30 cents per 2000 lbs. will be assessed on shipments when wharf is required to sort in accordance with sub-marks or brands, etc.
	Sub-orders	(g) Sub-Orders: When Sub-Orders are accepted for the purpose of making deliveries of shipments to other than the original consignee, a charge of 30 cents will be assessed for each delivery made.



## Government Harbours and Piers Act—continued

Item	Subject	MISCELLANEOUS CHARGES
17	Sub-Orders (Continued)	This does not include sorting as to sizes, marks, brands, weights, etc. When necessary to sort shipments in order to make delivery in accordance with sub-order requirements, sorting charges will be assessed in accordance with Item No. 17, (F).
	Electric Crane	(h) For use of Electric Crane: On commodities passing over the wharf and paying wharfage: Including services of operator \$3.00 per hour or portion thereof; Without services of operator.. \$2.00 “ “ Minimum charge..... \$2.00 “ “  On local lift jobs and commodities not paying wharfage: Including services of operator \$5.00 per hour or portion thereof; Without services of operator. \$4.00 “ “ Minimum charge..... \$4.00 “ “
	Lift Trucks	(i) For use of Lift Trucks: On commodities passing over the wharf, on which wharfage is charged, \$4.00 per hour or fraction thereof, minimum per job..... \$4.00 On local lift jobs where no wharfage is charged, \$5.00 per hour or fraction thereof, minimum per job.. \$5.00

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16			
CAR LOADING AND UNLOADING rates are in cents per 2000 lbs., unless otherwise specified.		CHARGES			
Item	COMMODITIES	Wharfage	Storage (per month or fraction)	Handling	Loading or Unloading
18	All commodities not otherwise specified.....	0.50	0.50	0.60	0.60
19	All commodities N.O.S., weighing in excess of 600 lbs. per piece or package, also awkward and bulky freight, viz., Machinery over 600 lbs., rails 35 lbs. and over per yard, PLATE GLASS, BILLETS, STRUCTURAL IRON AND STEEL and all commodities in bulk.....	0.50	0.50	Cost of labour plus 15% Min. as per Item 18	
20	Alfalfa Meal, in sacks.....	0.50	0.50	0.50	0.50
21	Aluminumware.....	1.00	1.00	0.80	0.80
22	Automobiles:— on own wheels Not over 3000 lbs. ea..... Over 3000 lbs. ea.....	1.00 2.00	1.00 2.00	1.00 1.00	1.50 1.50
23	Bamboo and Bambooware.....	0.50	0.50	0.80	0.80
24	Baby Carriages.....	1.00	1.00	0.80	0.80

Government Harbours and Piers Act—continued

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16					
CAR LOADING AND UNLOADING rates are in cents per 2000 lbs., unless otherwise specified.		CHARGES					
Item	COMMODITIES	Wharfage	Storage (per month or fract'n)	Handling	Loading or Unloading		
25	Bags (Travelling, empty).....	1.00	1.00	0.80	0.80		
26	Baskets.....	0.50	0.50	0.80	0.80		
27	Bath Tubs.....	1.00	1.00	0.80	0.80		
28	Beans, in sacks.....	0.50	0.50	0.50	0.50		
29	Bicycles and parts.....	1.00	1.00	0.80	0.80		
30	Boats and Canoes, owner's Risk, each not over 17 feet in length..... Over 17 feet and not over 20 feet in length..... Over 20 feet and not over 25 feet in length..... Over 25 feet and not over 35 feet in length..... Over 35 feet.....	1.00 1.50 3.00 6.00	1.00 1.50 3.00 6.00	Cost of Labour plus 15% Min. as per Item 18			
		Special Contract					
31	Bottles (Glass).....	1.00	1.00			0.80	0.80
32	Boxes.....	1.00	1.00			0.80	0.80
33	Box Shooks, in bundles.....	0.50	0.50			0.50	0.50
34	Braid (hemp, straw and chip).....	1.00	1.00	0.80	0.80		
35	Bullion—Silver and Gold.....	1.00	1.00	0.80	0.80		
36	Burlap (uncompressed).....	1.00	1.00	0.80	0.80		
37	Butter and Cheese, in boxes and drums.....	0.50	0.50	0.50	0.50		
38	Cans, Fish, empty, in standard cases, per case..... Cans, Fish, empty, in half size cases, each.....	0.01 0.00½	0.01 0.00½	0.01 0.00½	0.01 0.00½		
39	Cascara Bark.....	1.00	1.00	0.80	0.80		
40	Cereals, in sacks or barrels.....	0.50	0.50	0.50	0.50		
41	Cereals and Prepared Food, in packages.....	1.00	1.00	0.80	0.80		
42	Chinaware.....	1.00	1.00	0.80	0.80		
43	Chip Roping.....	0.50	0.50	0.80	0.80		
44	Coal, in bulk.....	0.25	0.25	Cost of Labour plus 15% Min. as per Item 18			
45	Cork, ground and manufactured.....	1.00	1.00			0.80	0.80
46	Cotton Goods.....	0.50	0.50	0.80	0.80		
47	Crockery and Crockeryware.....	1.00	1.00	0.80	0.80		

## Government Harbours and Piers Act—continued

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16			
CAR LOADING AND UNLOADING rates are in cents per 2000 lbs., unless otherwise specified.		CHARGES			
Item	COMMODITIES	Wharfage	Storage (per month or fraction)	Handling	Loading or Unloading
48	Curios.....	0.50	0.50	0.80	0.80
49	Doors, Wooden.....	0.50	0.50	0.50	0.50
50	Dry Goods.....	.50	.50	.80	.80
51	Earthenware.....	1.00	1.00	.80	.80
52	Electric Light Fixtures and Globes.....	1.00	1.00	0.80	.80
53	Empty Carriers Returned, when handled full over wharf.				
	Barrels, Beer, filled with empty bottles, ea.....	0.04	0.04		
	Barrels, Oil, Wooden, ea.....	0.02½	0.02½		
	Barrels, Steel, ea.....	0.05	0.05		
	Boxes, Fish and Meat, ea.....	0.04	0.04		
	Cases, Beer or Soft Drinks, ea.....	0.01	0.01		
	Cases, Beer or Soft Drinks, filled with empty bottles, ea.....	0.02	0.02		
	Containers, Gas:				
	Capacity not exceeding 15 gals, ea.....	0.02½	0.02½		
	Capacity over 15 gals, ea.....	0.05	0.05		
	Cylinders, Acetylene or Oxygen, ea.....	0.02½	0.02½	see Item 19	
	Cylinders, Ammonia, weighing 100 lbs. and 175 lbs., ea.....	0.02½	0.02½		
	Cylinders, Ammonia, weighing 250 lbs., ea.....	0.05	0.05		
	Drums, Steel, capacity over 45 gallons, ea.....	0.10	0.10		
	Drums, Steel, capacity under 45 gallons, ea.....	0.05	0.05		
	Egg Carriers, Standard Size, ea.....	0.01½	0.01		
	Kegs, Beer, capacity 15 gallons and half barrels, ea.....	0.02½	0.02½		
	Kegs, Beer, capacity 10 gallons, ea.....	0.01½	0.01½		
	Kegs, Beer, capacity 5 gallons, ea.....	0.01	0.01		
	Not otherwise specified per 2000 lbs.....	1.25	1.25		
	Barrels, Empty, Wooden S.U. per 2000 lbs.....	1.00	1.00	0.80	0.80
54	Enamelware.....	1.00	1.00	0.80	0.80
55	Fertilizer, chemically prepared viz.: Superphosphate, Ammonia Phosphate, and Sulphate of Ammonia, in packages.....	0.50	0.50	0.40	0.40
56	Fencing (Wire).....	1.00	1.00	0.80	0.80
57	Festoons.....	0.50	0.50	0.80	0.80
58	Fruit, Canned or Dried.....	0.50	0.50	0.60	0.50
	Fruit, Citrus, viz., Grape Fruit, Lemons and Oranges, in cases.....	0.50	0.50	0.60	0.50
	Fruit, Fresh, viz., Apples and Pears, in standard boxes, per box.....	0.01¼	0.01¼	0.01	0.01
	Bananas:				
	Handling direct from ship's sling to car (one movement \$1.20 per 2000 lbs.).....	0.50	0.50	0.80	0.60
	Bananas on stem.....	0.50	0.50	0.80	0.80
59	Feathers and Down compressed.....	1.00	1.00	0.80	0.80

Government Harbours and Piers Act—continued

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16			
CAR LOADING AND UNLOADING rates are in cents per 2000 lbs., unless otherwise specified.		CHARGES			
Item	COMMODITIES	Wharfage	Storage (per month or fraction)	Handling	Loading or Unloading
60	Furniture.....	1.00	1.00	0.80	0.80
61	Furs, N.O.S.....	1.00	1.00	0.80	0.80
62	Gasoline, Naphtha and Distillate, See Item 10.....	1.25	1.25	0.60	0.60
63	Glass:				
	Plate Glass.....	0.50	0.50	See Item 19	
	Window Glass.....	0.50	0.50		
64	Glassware.....	1.00	1.00	0.80	0.80
65	Grain and Grain Products ( <i>i.e.</i> , Flour, Bran, Shorts or Middlings), in sacks or barrels.....	0.50	0.50	0.50	0.50
	Flour, Grain and Grain Products, including Bran and Shorts, for export destined to British and Foreign Countries, but not to apply to points in United States, Alaska, Canada, or Newfoundland. No additional charge to apply on shipments in sacks over 125 pounds each.....	0.50	0.50	0.35	0.15
66	Hair (curled for mattresses).....	1.00	1.00	0.80	0.80
67	Hats.....	0.50	0.50	0.80	0.80
68	Hemp.....	0.50	0.50	0.80	0.80
69	High Explosives, when accepted (see Item 10).....	2.00	2.00	Cost of Labour plus 15% Min. as per Item 18	
70	Household Goods.....	1.00	1.00	0.80	0.80
71	Iron and Steel:				
	Bars over 30 feet in length.....	0.50	0.50	0.75	Cost of Labour plus 15% Min. as per Item 18
72	Incubators.....	1.00	1.00	0.80	0.80
73	Kitchenware.....	1.00	1.00	0.80	0.80
74	Lacquerware.....	0.50	0.50	0.80	0.80
75	Lanterns (Paper).....	0.50	0.50	0.80	0.80
76	Lavatories.....	1.00	1.00	0.80	0.80
77	Lime, Plaster and Cement, in barrels, sacks or drums	0.50	0.50	0.45	0.50
78	Liquors, including Ale, Beer, etc.....	1.00	1.00	0.80	0.80



WHARFAGE, STORAGE AND HANDLING rates are in cents per 2000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16			
CAR LOADING AND UNLOADING rates are in cents per 2000 lbs., unless otherwise specified.		CHARGES			
Item	COMMODITIES	Wharfage	Storage (per month or fraction)	Handling	Loading or Unloading
79	Live Stock, per head: Stallions and Bulls..... Horses, Mules and Cattle..... Horses, Mules or Cattle, 15 head or over..... Foals and Calves, not over 6 months old..... Foals and Calves, over 6 months old and under 12 months old..... Sheep..... Sheep, in lots of 100 head or over..... Hogs..... Hogs, in lots of 60 head or over..... Hogs, in crates, per 40 cu. ft.....	1.00 0.50 0.40 0.30 0.40 0.10 0.04 0.12 0.09 0.50	1.00 0.50 0.40 0.30 0.40 0.10 0.04 0.12 0.09 0.50	See Item 13	
80	Lumber and Forest Products: Lumber: Common, Rough or Dressed, per 1000 ft. B.M..... Hardwood and Woods of value, per 1000 ft. B.M..... Lumber: Common, Rough or Dressed, when shipped by rail, per 1,000 ft. B.M..... 1. Any switching charge for the handling of railroad cars will be payable by the consignee or consignor; 2. The use of the wharf crane will be free only for the loading of lumber to railroad cars from vessels or motor vehicles; Lumber: Common, Rough or Dressed, when shipped by water, per 1,000 ft. B.M..... NOTE: *Storage 1c. per M per day. Box Shooks, in bundles..... Doors, wooden..... Lath, per 1000 lath..... Logs, per 1000 ft. B.M. where the measurement is obtained by squaring the mean diameter in inches, multiplying by length in feet and dividing by 12..... Where the Brereton Scale is used..... Where the British Columbia scale is used..... Poles and Pilings, per lineal foot..... Match Blocks..... Shingles, per bundle..... NOTE: *Rate per bundle. x 1c per M per day.	0.50 0.75 0.30    0.50 0.50 0.50 0.10  0.40 0.50 0.80 0.00½ 0.50 0.01	* *     0.50 0.50 0.10  x0.01 x0.01 x0.01 0.00½ 0.50 x0.01	Cost of Labour plus 15% Min. as per Item 18          Cost of Labour plus 15% Min. as per Item 18 0.40 0.40 0.01 0.01	
81	Machinery, over 600 lbs.....	0.50	0.50	Cost of Labour plus 15% Min. as per Item 18	
82	Match Blocks.....	0.50	0.50	0.40	0.40
83	Matches.....	1.00	1.00	0.80	0.80
84	Matting.....	1.00	1.00	0.80	0.80
85	Meats, fresh or frozen.....	0.50	0.50	Cost of Labour plus 15% Min. as per Item 18	

Government Harbours and Piers Act—continued

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16			
CAR LOADING AND UNLOADING rates are in cents per 2000 lbs., unless otherwise specified.		CHARGES			
Item	COMMODITIES	Wharfrage	Storage (per month or fract'n)	Handling	Loading or Unloading
86	Motor Trucks, on own wheels, each.....	2.00	2.00	1.00	1.50
87	Musical Instruments.....	1.00	1.00	0.80	0.80
88	Nets (String).....	1.00	1.00	0.80	0.80
89	Netting (Wire).....	1.00	1.00	0.80	0.80
90	Nuts, in shell.....	1.00	1.00	0.80	0.80
91	Oils in cases, barrels or drums passing over wharf in original containers.....	0.50	0.50	0.40	0.40
92	Ore and Concentrates, in sacks.....	0.50	0.50	0.40	0.40
93	Paper (Toilet, Towels, etc.).....	1.00	1.00	0.80	0.80
94	Peanuts: In shell, sacked..... Shelled, in sacks.....	1.00 0.50	1.00 0.50	0.80 0.50	0.80 0.50
95	Peas, dried, in sacks.....	0.50	0.50	0.50	0.50
96	Petrol Products and Greases (in bulk).....	See Note			
NOTE.—Special rates may be arranged by the Wharfinger with approval of the Minister of Transport.					
97	Piano Stools and Benches.....	1.00	1.00	0.80	0.80
98	Pipe, 4 inches and over in diameter.....	0.50	0.50	0.80	Cost of Labour plus 15% Min. as per Item 18
99	Porcelain and Porcelain Ware.....	1.00	1.00	0.80	0.80
100	Rails, 35 lbs. and over per yard.....	0.50	0.50	Cost of Labour plus 15% Min. as per Item 18	
101	Rattan and Rattanware.....	0.50	0.50	0.80	0.80
102	Rice in sacks or mats.....	0.50	0.50	0.50	0.50
103	Rugs (Cotton, Rag, Straw or Matting).....	1.00	1.00	0.80	0.80
104	Salt, wet in sacks..... Salt, in sacks, packages and blocks.....	0.25 0.50	0.25 0.50	0.45 0.45	0.45 0.45
105	Sago, in sacks.....	0.50	0.50	0.50	0.50
106	Seneca Root.....	1.00	1.00	0.80	0.80

**Government Harbours and Piers Act—continued**

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16			
CAR LOADING AND UNLOADING rates are in cents per 2000 lbs., unless otherwise specified.		CHARGES			
Item	COMMODITIES	Wharfage	Storage (per month or fract'n)	Handling	Loading or Unloading
107	Silk (raw) and Silk Goods . . . . .	0.50	0.50	0.80	0.80
108	Sinks . . . . .	1.00	1.00	0.80	0.80
109	Smelter Products, viz: Pig Lead, Lead Bullion, Copper, Spelter and Zinc . . . . .	0.50	0.50	0.40	0.40
110	Soap Chips . . . . .	1.00	1.00	0.80	0.80
111	Structural Iron and Steel (See Item 19) . . . . .	0.50	0.50	Cost of Labour plus 15% Min. as per Item 18	
112	Tapioca, in sacks . . . . .	0.50	0.50	0.50	0.50
113	Tea . . . . .	0.50	0.50	0.80	0.80
114	Tierces, Empty, Large, each . . . . .	0.15	0.15	See Item 19	
115	Tinware . . . . .	1.00	1.00	0.80	0.80
116	Tires, Rims and Tubes (Automobile) . . . . .	1.00	1.00	0.80	0.80
117	Toilets . . . . .	1.00	1.00	0.80	0.80
118	Toys . . . . .	1.00	1.00	0.80	0.80
119	Trunks (empty) . . . . .	1.00	1.00	0.80	0.80
120	Valises (empty) . . . . .	1.00	1.00	0.80	0.80
121	Waste (Cotton, not compressed) . . . . .	1.00	1.00	0.80	0.80
122	Woodenware . . . . .	0.50	0.50	0.80	0.80
	Wood Fuel—Cord and Millwood, per cord . . . . .	0.20			
123	Wool and Wool Linters . . . . .	1.00	1.00	0.80	0.80
124	Minimum Charges for any shipment on all traffic, except Local Coastwise . . . . .	0.25	0.25	0.25	0.25
	On Local Coastwise traffic . . . . .	0.15	0.15	0.15	0.15

**Government Harbours and Piers Act—continued**

**3. Tariff of tolls and dues to be levied for the use of the Government Wharf, Westview, B.C.**

P.C. 1664

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 16th day of April, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of the Government Harbours and Piers Act, chapter 89, Revised Statutes of Canada, 1927, is pleased to order as follows:

1. The Tariff of Tolls and Dues to be levied for the use of the Government Wharf at Westview, B.C., established by Order in Council P.C. 1744 of May 3rd, 1946, as amended, is hereby revoked; and

2. The attached "Tariff of Tolls and Dues to be Levied for the use of the Government Wharf at Westview, B.C." is hereby made and established in substitution for the Tariff of Tolls and Dues hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*



**Government Harbours and Piers Act—continued**

TARIFF OF TOLLS AND DUES TO BE LEVIED FOR THE  
USE OF THE GOVERNMENT WHARF  
AT WESTVIEW, B.C.

Item	Subject	GENERAL RULES AND REGULATIONS AND SCHEDULE OF MISCELLANEOUS CHARGES
1	Top Wharfage	<p>(a) Definition: Top Wharfage Charges are charges made on cargo passing over the wharf or transferred between vessels or loaded from water over ship's side while vessel occupies berth at wharf, and are exclusive of any sorting, piling, weighing, handling or trucking.</p> <p>(b) Wharfage Limitations: Freight paying inward wharfage shall not be subject to outward wharfage when re-shipped by water from the wharf if no processing or alteration takes place.</p> <p>(c) Wharfage Overside: Shipments loaded or discharged overside of vessel from or to vessel, or scow, or taken from or discharged into water, when vessel is lying alongside the wharf, to be charged one-half regular wharfage.</p> <p>(d) Per Article wharfage: On goods for which vessel tariff rates are "Per Article", wharfage charges will be assessed on weight basis, unless specified wharfage charges are provided.</p> <p>(e) Wharfage on Ship's Stores: Ship's stores handled over wharf and fuel over ship's side for vessels loading or unloading cargo at wharf shall not be subject to wharfage charges unless receipted for by Wharfinger. Repair material, lining, fuel oil, coal or ballast handled over wharf are subject to regular wharfage charges, except when delivered direct to vessel. No charge will be made for lining material when taken overside from scow.</p>
2	Handling Charges	<p>(a) Handling Charges Defined: Handling charges are charges made for moving freight to or from ship's slings and include ordinary sorting, piling and trucking in shed.</p> <p>(b) Direct Handling from Box Cars to Vessels: Transfer of cargo over terminals between box cars and ship's slings, whether transferred direct by ship's sling or other means, or through sheds, or whether in course of transfer is deposited at a place of rest on wharf or in shed, shall for like commodities be deemed equal service and be subject to the same charges.</p> <p>(c) Direct Handling Between Vessels and Open Cars: On cargo transferred direct from ship's slings and loaded on open cars at ship's side, a loading charge of 25c per ton will be assessed, except on bulk cargo, such as coal, sulphur and similar commodities which will be free of charge if no handling required.</p>
3	Unloading and Loading	<p>(a) Loading and Unloading Defined: Loading and unloading charges are charges made for loading freight from wharf into or on cars, and for unloading carload freight from cars on to wharf, but do not include handling to or from ship's slings:</p> <p>(b) Car Blocking and Dunnage: Loading charges specified herein do not include cost of car stakes, lumber, or other material that may be necessary for the bracing of loads on or in cars. When such material is necessary cost of same plus 15% will be charged against shipment.</p>

Government Harbours and Piers Act—continued

Item	Subject	GENERAL RULES AND REGULATIONS AND SCHEDULE OF MISCELLANEOUS CHARGES
4	Labour Exceptions	<p>(a) Labour Rates: Labour rates are based on current rate of wages and for work performed on regular working days between the hours of 8 a.m. and 5 p.m.</p> <p>(b) Labour Overtime and Stand-by Time: Rates named for loading or unloading, handling, and other labour, are based on current wages paid for straight time.</p> <p>When such services are performed during overtime between 5.00 p.m. and 8.00 a.m., and on Sundays and holidays, the difference in wages paid between straight time and overtime plus 10% will be charged to parties authorizing such overtime.</p>
	Labour N.O.S.	All labour not otherwise specifically provided for, will be performed at actual cost plus 15%.
5	Storage	<p>(a) Storage Defined: Storage charges are charges made on freight remaining on wharf property after expiration of free time period, as per item No. 8, and are exclusive of any sorting, piling, wharfage, handling or trucking. Goods are at sole risk of owner</p> <p>(b) Right to Remove: The right is reserved to the Wharfinger to remove and to store in a public or private warehouse, to remove to another shed, or portion of same shed, or to re-pile, freight on hand after expiration of free time. All expenses incurred in so doing to be for account of consignee and/or owner, such freight to be held entirely at owner's risk and cost, subject to lien for freight and all other charges.</p> <p>(c) Customs Delay: Storage charges shall not be collected in instances where delay in delivery of freight is clearly the responsibility of Department or on account of delays for which Customs officials may be responsible. In the latter instance, certificates must be surrendered from Customs officials, giving reason for delay.</p>
6	STORAGE Ground Rentals	<p>Ground Rentals: Certain sites are available on the wharf property and these may be occupied under permits of occupation, through arrangement with the Wharfinger, and with the approval of the Minister.</p>
7	STORAGE Outside	<p>Outside Storage: Unless otherwise provided for, freight may be stored outside of sheds at half the regular tariff storage rates, provided the consignee has signed a release of responsibility for loss or damage, otherwise regular storage rates will apply.</p>
8	Free Time Period	<p>(a) Definition: By "Free Time" Period is meant a specified number of days immediately following a vessel's complete discharge. Free time periods are exclusive of Sundays and legal holidays. After expiration of said free time, storage charges will be assessed as per tariff.</p> <p>(b) Local Traffic: Unless otherwise specified under individual items, the free time period will be four (4) days.</p> <p>(c) Export Traffic: Unless otherwise specified under individual item, the free time period will be 15 days.</p>

Government Harbours and Piers Act—*continued*

Item	Subject	GENERAL RULES AND REGULATIONS AND SCHEDULE OF MISCELLANEOUS CHARGES
9	Side Wharfrage	<p>(a) Side Wharfrage Defined: Side Wharfrage is the charge against a vessel for the use of berthing space at wharf when not engaged in loading or discharging cargo.</p> <p>(b) Vessels Required to Change Berths: Berthing of vessels shall be at the discretion of Wharfinger and then only with the understanding that vessel shall move its position from place to place at terminal or leave terminal at the direction of the Wharfinger when berth is otherwise required. When a vessel, with or without cargo, is required to move, notice by Wharfinger to officer in charge of vessel shall be considered sufficient, and if such vessel fails or refuses to move as directed, the Wharfinger shall move the vessel by tug or otherwise, as may be necessary, and the expense thereof shall be charged to the vessel, and any damage sustained by the vessel, other vessels, or the wharf during the removal shall likewise be charged to the vessel.</p>
10	Explosives and Inflammables	Explosives, liquid petroleum products, hay, straw, and other commodities, deemed extra hazardous, will be received only between the hours of 8.00 a.m. and 5.00 p.m., and must be immediately removed from the premises. Shippers of explosives must present permit from the Wharfinger before explosives shall be received on, or transferred over wharf.
11	Improper Packing and Fragile Articles	All freight not packed in packages suitable for standing the ordinary handling incident to its transportation may be rejected, or repacked, at expense of shipper. Glass, liquids, and fragile articles shall be accepted only at owner's risk of breakage, leaking and chafing.
12	Limited Responsibility	<p>Limited Responsibility for Loss or Damage: The Wharfinger will not be responsible for injury to freight on the property, caused by rats, mice, moths, weevils, frost or the weather, nor will he be answerable for any delay, loss or damage arising from combination or strikes of any persons in his own employ or in the service of others, nor from any consequence arising therefrom.</p>
13	Live stock	All shipments of live stock must be looked after, handled and cars unloaded and loaded by the owners.
14	Perishables, Offensive Freight	Perishables and offensive freight shall be received only at the discretion of the Wharfinger.
15	Dangerous Articles	High Explosives, Gasoline, Naphtha and Distillate, will not be accepted for storage.
16	All Traffic	<p>Charges: Charges are in cents per ton of 2000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified. FOR RATES SEE ITEMS 18 to 77.</p>

Government Harbours and Piers Act—continued

Item	Subject	MISCELLANEOUS CHARGES										
17	Berthing	<p>Subject to special arrangements with approval of Minister for time berthing.</p> <p>(a) Vessels, hulks, scows or tugs making use of the wharf but not loading or discharging freight, will be charged the following rates for each twenty-four (24) hours or fraction thereof.</p> <table><tr><td>Vessels, etc., 100 feet in length or under.....</td><td>\$1.50</td></tr><tr><td>Vessels, etc., 101 feet in length to 150 feet in length..</td><td>5.00</td></tr><tr><td>Vessels, etc., 151 feet in length to 250 feet in length...</td><td>10.00</td></tr><tr><td>Vessels, etc., 251 feet in length to 500 feet in length...</td><td>25.00</td></tr><tr><td>Vessels, etc., over 501 feet in length.....</td><td>50.00</td></tr></table>	Vessels, etc., 100 feet in length or under.....	\$1.50	Vessels, etc., 101 feet in length to 150 feet in length..	5.00	Vessels, etc., 151 feet in length to 250 feet in length...	10.00	Vessels, etc., 251 feet in length to 500 feet in length...	25.00	Vessels, etc., over 501 feet in length.....	50.00
	Vessels, etc., 100 feet in length or under.....	\$1.50										
	Vessels, etc., 101 feet in length to 150 feet in length..	5.00										
	Vessels, etc., 151 feet in length to 250 feet in length...	10.00										
	Vessels, etc., 251 feet in length to 500 feet in length...	25.00										
	Vessels, etc., over 501 feet in length.....	50.00										
	Linesmen	Linesmen will be supplied when required for taking or releasing lines—Rates on application to Wharfinger.										
	Electric Current	<p>(b) Electric current (if and when available):</p> <table><tr><td>Electric current for light furnished vessels, per K.W. Hour.....</td><td>Rates on Minimum charge.....</td><td>application to Installation at cost plus 15%.....</td><td>Wharfinger</td></tr></table>	Electric current for light furnished vessels, per K.W. Hour.....	Rates on Minimum charge.....	application to Installation at cost plus 15%.....	Wharfinger						
Electric current for light furnished vessels, per K.W. Hour.....	Rates on Minimum charge.....	application to Installation at cost plus 15%.....	Wharfinger									
Extra Labour Checking Weights, etc.	<p>(c) Extra Labour Checking Weights, etc.:</p> <p>When consignees or shippers require to be furnished with particulars of serial number, special stencilled marks, weights of packages, etc., an additional charge of thirty cents (30c.) per 2,000 lbs. must be assessed in addition to rates provided herein.</p>											
Fresh Water	<p>(d) Fresh water (if and when available):</p> <table><tr><td>Fresh water supplied vessels, per ton .....</td><td>Rates on Minimum charge.....</td><td>application to Use of hose when furnished by wharf .....</td><td>Wharfinger</td></tr></table> <p>(Compute 6.2321 gallons per cu. ft. or 35.943 cu. ft. per ton = 224 gals.)</p>	Fresh water supplied vessels, per ton .....	Rates on Minimum charge.....	application to Use of hose when furnished by wharf .....	Wharfinger							
Fresh water supplied vessels, per ton .....	Rates on Minimum charge.....	application to Use of hose when furnished by wharf .....	Wharfinger									
Labour for Special Services	<p>(e) Labour for Special Services:</p> <p>Labour for special services of any kind, not otherwise provided for, will be charged at cost plus 15%.</p>											
Sorting of Brands and Sub-Marks	<p>(f) Sorting of Brands and Sub-Marks:</p> <p>An extra charge of 30 cents per 2,000 lbs. will be assessed on shipments when wharf is required to sort in accordance with sub-marks or brands, etc.</p>											
Sub-Orders	<p>(g) Sub-Orders:</p> <p>When sub-orders are accepted for the purpose of making deliveries of shipments to other than the original consignee, a charge of 30c. will be assessed for each delivery made. This does not include sorting as to sizes, marks, brands, weights, etc. When necessary to sort shipments in order to make delivery in accordance with sub-order requirements, sorting charges will be assessed in accordance with Item No. 17 (f).</p>											
Marine Elevator	Rates on application to Wharfinger.											



## Government Harbours and Piers Act—continued

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2,000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16		
		CHARGES		
Item	COMMODITIES	Wharfage	Storage (per month or fraction)	Handling
18	All commodities, not specially provided for, including Groceries, and all Food Products, Hardware and Plumbing Supplies, Electrical Supplies, Drygoods, Paper and Paper Products, Drugs, etc., the rates are per ton of 2,000 lbs. or per 40 cu. ft. at the Wharfinger's option.....	0.50	0.50	0.60
19	All commodities N.O.S. except Lumber and Forest Products, weighing in excess of 600 lbs. per piece or package, also awkward and bulky freight, viz., Machinery over 600 lbs., Rails 35 lbs. and over per yard, PLATE GLASS, BILLETS, STRUCTURAL IRON AND STEEL and all commodities in bulk.....	0.50	0.50	Cost of labour plus 15% Min. as per Item 18
20	Vehicles—as freight: Automobiles—on own wheels, including 1-Ton Trucks, each Motor Trucks on own wheels, each..... Motor Stages, on own wheels, each..... Motor Trailers, on own wheels, each..... Motorcycles and Side Car, on own wheels, each..... Motorcycles on own wheels, each..... Bicycles, each.....	1.00 2.00 2.00 1.00 0.50 0.25 0.15	1.00 2.00 2.00 1.00 0.50 0.25 0.15	Cost of labour plus 15%
21	Vehicles—as baggage: Automobiles, each..... Motorcycles with side cars, each..... Motorcycles, each..... Bicycles, each.....	0.25 0.20 0.10 0.05		Storage and Handling as Baggage
22	Boats and Canoes, owner's risk, each not over 17 feet in length .. Over 17 feet and not over 20 feet in length..... Over 20 feet and not over 25 feet in length..... Over 25 feet and not over 35 feet in length..... Over 35 feet.....	1.00 1.50 3.00 6.00 Special Contract	1.00 1.50 3.00 6.00	Cost of labour plus 15% Min. as per Item 18
23	Brick: Common Red estimated weight 5 lb..... Pressed and Paving—estimated weight 6 lb..... Fire—estimated weight 7 lb.....	0.50	0.50	0.65
24	Beverages—including soft drinks in bottles, in cases, and cartons.....	0.50	0.50	0.50
25	Cans, Fish, empty, in standard cases, per case..... Cans, Fish, empty, in half size cases, each.....	0.01 0.00½	0.01 0.00½	0.01 0.00½
26	Cascara Bark.....	1.00	1.00	0.80
27	Cereals, in packages.....	1.00	1.00	0.80
28	Chinaware.....	1.00	1.00	0.80
29	Coal, in bulk.....  in sacks.....	0.25  0.50	0.25  0.50	Cost of labour plus 15% Min. as per Item 18

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2,000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16		
		CHARGES		
Item	COMMODITIES	Wharfage	Storage (per month or fraction)	Handling
30	Cork, ground and manufactured.....	1.00	1.00	0.80
31	Crockery and Crockeryware.....	1.00	1.00	0.80
32	Doors, Wooden including Window Sash.....	0.50	0.50	0.50
33	Dry Goods.....	0.50	0.50	0.80
34	Earthenware.....	1.00	1.00	0.80
35	Electric Light Fixtures and Globes.....	1.00	1.00	0.80
36	Empty Carriers Returned, when handled full over wharf.			
	Barrels, Beer, filled with empty bottles, each.....	0.04	0.04	
	Barrels, Oil, Wooden, each.....	0.02½	0.02½	
	Barrels, Steel, each.....	0.05	0.05	
	Boxes, Fish and Meat, each.....	0.04	0.04	
	Cases, Beer or Soft Drinks, each.....	0.01	0.01	
	Cases, Beer or Soft Drinks, filled with empty bottles, each.	0.02	0.02	
	Containers, Gas:			
	Capacity not exceeding 15 gals. each.....	0.02½	0.02½	
	Capacity over 15 gals., each.....	0.05	0.05	
	Cylinders, Acetylene or Oxygen, each.....	0.02½	0.02½	See Item 19
	Cylinders, Ammonia, weighing 100 lbs. and 175 lbs., each	0.02½	0.02½	
	M.T. Milk Cans.....	0.01	0.01	
	Ice Cream Packs and Cartons.....	0.02½	0.02½	
	Bread Boxes.....	0.02	0.02	
	Sacks and Cartons containing empty bottles.....	0.50	0.50	per ton
	Cylinders, Ammonia, weighing 250 lbs., each.....	0.05	0.05	
	Banana Crates.....	0.01½	0.01½	
	Drums, Steel, capacity over 45 gals., each.....	0.10	0.10	
	Drums, Steel, capacity under 45 gals., each.....	0.05	0.05	
	Egg Carriers, Standard Size, each.....	0.01½	0.01	
	Kegs, Beer, capacity 15 gallons and half barrels, each....	0.02½	0.02½	
	Kegs, Beer, capacity 10 gals., each.....	0.01½	0.01½	
	Kegs, Beer, capacity 5 gals., each.....	0.01	0.01	
	Not otherwise specified per 2,000 lbs.....	1.25	1.25	
	Barrels, Empty, Wooden S.U. per 2,000 lbs.....	1.00	1.00	0.80
37	Fertilizer, chemically prepared, viz.: Superphosphate, Ammonia Phosphate, and Sulphate of Ammonia, in packages.....	0.50	0.50	0.40
38	Fencing (Wire).....	1.00	1.00	0.80
39	Fruit, Canned or Dried.....	0.50	0.50	0.60
	Fruit, Citrus, viz., Grape Fruit, Lemons and Oranges, in cases	0.50	0.50	0.60
	Fruit, Fresh, viz., Apples and Pears, in standard boxes, per box	0.01¼	0.01¼	0.01
	Bananas on stem.....	0.50	0.50	0.80
40	Furniture.....	1.00	1.00	0.80
41	Furs, N.O.S.....	1.00	1.00	0.80
42	Gasoline, Naphtha and Distillate. See Item 10.....	1.25	1.25	0.60
	When delivered direct from ship to truck without resting on wharf.....	0.62½	0.62½	0.50

## Government Harbours and Piers Act—continued

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2,000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16		
		CHARGES		
Item	COMMODITIES	Wharfage	Storage (per month or fract'n)	Handling
43	Glass:			See Item 19
	Plate Glass.....	0.50	0.50	
	Window Glass.....	0.50	0.50	0.60
44	Glassware.....	1.00	1.00	0.80
45	Grain and Grain Products (i.e., Flour, Bran, Shorts or Middlings), in sacks or barrels, including Hay, Straw, Peat Oyster Shell, and all Feed Products.....	0.50	0.50	0.50
46	High Explosives, when accepted (see Item 10).....	2.00	2.00	Cost of labour plus 15% Min. as per Item 18
47	Household Goods.....	1.00	1.00	0.80
48	Ice cream, in packs and cartons.....	0.05	0.05	0.05
	in tubs.....	0.10	0.10	0.10
49	Lime, Plaster and Cement, in barrels, sacks or drums.....	0.50	0.50	0.45
	Sand and Gravel per cu. yd.....	0.25	0.25	0.25
50	Liquors, including Ale, Beer, etc.....	1.00	1.00	0.80
51	Live Stock, per head:			See Item 13
	Stallions and Bulls.....	1.00	1.00	
	Horses, Mules and Cattle.....	0.50	0.50	
	Horses, Mules or Cattle, 15 head or over.....	0.40	0.40	
	Foals and Calves, not over 6 months old.....	0.30	0.30	
	Foals and Calves, over 6 months old and under 12 months old.....	0.40	0.40	
	Sheep.....	0.10	0.10	
	Sheep, in lots of 100 head or over.....	0.04	0.04	
	Hogs.....	0.12	0.12	
	Hogs, in lots of 60 head or over.....	0.09	0.09	
	Hogs, in crates, per 40 cu. ft.....	0.50	0.50	
52	Lumber and Forest Products:			
	Lumber: Common, Rough or Dressed, per 1,000 ft. B.M....	0.50	*	
	Hardwood and woods of value, per 1,000 ft. B.M.....	0.75	*	
	NOTE: *Storage 1c. per M. per day.			
	Box Shooks, in bundles.....	0.50	0.50	
	Doors, wooden.....	0.50	0.50	
	Lath, per 1,000 lath.....	0.10	*0.10	
	Logs, per 1,000 ft. B.M. where the measurement is obtained by squaring the mean diameter in inches, multiplying by length in feet and dividing by 12.....	0.40	†0.01	
	Where the Brereton Scale is used.....	0.50	†0.01	
	Where the British Columbia scale is used.....	0.80	†0.01	
	Poles and Pilings, per lineal foot.....	0.00½	0.00½	
	Match Blocks.....	0.50	0.50	
	Shingles, per bundle.....	0.01	*0.01	
	Over 18'.....	0.01½	0.01½	
	NOTE: *Rate per bundle. † 1c. per M. per day.			Cost of labour plus 15%

Government Harbours and Piers Act—continued

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2,000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16		
		CHARGES		
Item	COMMODITIES	Wharfage	Storage (per month or fraction)	Handling
53	Machinery, over 600 lbs. including Logging Trucks and Trailers	0.50	0.50	Cost of labour plus 15% Min. as per Item 18
54	Matches.....	1.00	1.00	0.80
55	Meats, fresh or frozen.....	0.50	0.50	Cost of labour plus 15% Min. as per Item 18
	Minimum.....	0.15	0.15	
	Deer, per carcass.....	0.50		
56	Netting (Wire).....	1.00	1.00	0.80
57	Nuts, in shell.....	1.00	1.00	0.80
58	Oils in cases, barrels or drums passing over wharf in original containers.....	0.50	0.50	0.40
	In bulk—pipeline delivery.....	0.25		
	Oils in cases, barrels or drums, passing over wharf in original containers when delivered direct from ship to truck without resting on wharf.....	0.25	0.25	0.20
59	Ore and Concentrates, in sacks.....	0.50	0.50	0.40
60	Paper (Toilet, Towels, Napkins, etc.).....	1.00	1.00	0.80
61	Peanuts:			
	In shell, sacked.....	1.00	1.00	0.80
	Shelled, in sacks.....	0.50	0.50	0.50
62	Petrol Products and Greases (in bulk), pipeline delivery....	0.25	See Note	

NOTE: Special rates may be arranged by the Wharfinger with approval of the Minister of Transport.

63	Pianos, including Stools and Benches.....	1.00	1.00	0.80
	Minimum.....	0.75	0.75	
64	Pipe, 4 inches and over in diameter.....	0.50	0.50	Cost of labour plus 16% Min. as per Item 18
65	Porcelain and Porcelain Ware.....	1.00	1.00	0.80
66	Rails, 35 lbs. and over per yard.....	0.50	0.50	Cost of labour plus 16% Min. as per Item 18
67	Rugs (Cotton, Rag, Straw or Matting).....	1.00	1.00	0.80



**Government Harbours and Piers Act—continued**

WHARFAGE, STORAGE AND HANDLING rates are in cents per 2,000 lbs., or 40 cu. ft., as per ship's manifest, unless otherwise specified.		ALL TRAFFIC See Item 16		
		CHARGES		
Item	COMMODITIES	Wharfage	Storage (per month or fract'n)	Handling
68	Salt, wet, in sacks.....	0.25	0.25	0.45
	Salt, in sacks, packages and blocks.....	0.50	0.50	0.45
69	Smelter Products, viz: Pig Lead, Lead Bullion, Copper, Spelter and Zinc.....	0.50	0.50	0.40
70	Soap Chips.....	1.00	1.00	0.80
71	Structural Iron and Steel (see Item 19).....	0.50	0.50	Cost of labour plus 15% Min. as per Item 18
72	Tierces, Empty, Large, each.....	0.15	0.15	See Item 19
73	Tires, Rims and Tubes (Automobile).....	1.00	1.00	0.80
74	Waste (Cotton, not compressed).....	1.00	1.00	0.80
75	Wood Fuel—cord and millwood—per cord.....	0.20	0.01 per day	Cost plus 15%
76	Wool and Wool Linters.....	1.00	1.00	0.80
77	Minimum Charges for any shipment on all traffic.....	0.15	0.15	0.15

**Government Harbours and Piers Act—continued**

**4. Tariff of tolls and dues to be levied for the use of Government Wharves, Sorel, P.Q.**

P.C. 2114

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 11th day of May, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of the Government Harbours and Piers Act, Chapter 89 of the Revised Statutes of Canada, 1927, is pleased to order as follows:

1. The Tariff of Wharfage Charges at the harbour of Sorel, established by Order in Council P.C. 724 of April 6, 1938, as amended, is hereby revoked; and

2. The attached "Tariff of Tolls and Dues to be Levied for the Use of Government Wharves at Sorel, P.Q." is hereby made and established in substitution for the tariff of wharfage charges hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

TARIFF OF TOLLS AND DUES TO BE LEVIED

FOR THE USE OF GOVERNMENT WHARVES

AT

SOREL, P.Q.

**TOP WHARFAGE—DEFINITION**

"Top wharfage," for the purposes of this tariff, is defined as a charge payable to the wharfinger or other duly authorized officer of the Department of Transport, levied on all goods, except as hereinafter provided, landed from vessels to or loaded to vessels from any jetty, pier, wharf, dock or other property administered, managed or controlled by the Department of Transport in the harbour of Sorel, or transhipped between vessels therein.

Provided, however, that top wharfage shall be levied once only on goods,—

(a) landed from vessel to property administered by the Department and remaining thereon until loaded to vessel therefrom for re-shipment; or

(b) transhipped between vessels within the harbour; without, in the interval, being altered in form or composition.

**Government Harbours and Piers Act—continued****BASIS OF RATES**

Top wharfage shall be computed (except as otherwise specified in the schedule of rates set out hereinafter) by weight (2,000 pounds per ton) or by measurement (40 cubic feet, per ton) as follows:

- (1) On grain, by weight,
- (2) On all goods, other than grain from points outside Canada landed from or transhipped between vessels, by weight or measurement as such goods have been carried by ocean vessel.
- (3) On all goods, other than grain, loaded on vessels for furtherance to points outside Canada, by weight or measurement as such goods shall be carried by ocean vessel.
- (4) On all goods, other than grain, not included in subsections (2) or (3) above, by weight or measurement as such goods have been or shall be carried by water.

**WEIGHTS**

(1) The following weights shall be used for the computation of top wharfage on the following goods:—

COMMODITY	BASIS	WEIGHT (POUNDS)
Barley, in bulk .....	Per bushel .....	48
Beans, Soya, in bulk .....	Per bushel .....	60
Buckwheat, in bulk .....	Per Bushel .....	48
Cod liver oil, in bulk .....	Per Imperial Gallon .....	10
Corn, in bulk .....	Per bushel .....	56
Flaxseed, in bulk .....	Per bushel .....	56
Gasoline, in bulk .....	Per Imperial Gallon .....	7½
Molasses, in bulk .....	Per Imperial Gallon .....	14
Oats, Canadian, in bulk .....	Per bushel .....	34
Petroleum oil, in bulk .....	Per Imperial Gallon .....	8½
Rye, in bulk .....	Per bushel .....	56
Wheat, in bulk .....	Per bushel .....	60

(2) The following arbitrary weights shall be used for the computation of top wharfage on the following goods when actual weights are not available at the time of payment:—

COMMODITY	BASIS	WEIGHT (POUNDS)
Apples, fresh, in bulk .....	Per bushel .....	45
Apples, fresh .....	Per barrel .....	155
Apples, fresh .....	Per half barrel .....	80
Apples, fresh .....	Per one-bushel hamper ...	48
Apples, fresh .....	Per box .....	48
Bags, empty, for grain .....	Per hundred .....	80
Cement, building or Portland .....	Per barrel .....	350
Crates, lobster, empty .....	Each .....	50
Fish .....	Per cask or butt .....	490
Molasses containers—		
Molasses containers .....	Per puncheon .....	124
Molasses containers .....	Per hogshead .....	80
Molasses containers .....	Per tierce .....	80
Molasses containers .....	Per barrel .....	46
Molasses containers .....	Per half-barrel .....	23

Government Harbours and Piers Act—continued

COMMODITY	BASIS	WEIGHT (POUNDS)
Cod liver oil containers.....	Per barrel .....	75
Potatoes, in bulk.....	Per bushel .....	60
Shingles, in bundle.....	Per bundle .....	55
Turnips, in bulk.....	Per bushel .....	50

SCHEDULE OF RATES

(1) Top wharfage shall be levied and collected at the following rates:—

Item No.	Description	Basis	Rate (cents)
10	All goods not otherwise specified (N.O.S.) .....	Per ton .....	50
20	Animals (live)—		
	(1) Horses, mules.....	Each .....	30
	(2) Cattle .....	Each .....	15
	(3) Sheep, swine, cats, dogs.....	Each .....	5
30	Asbestos—		
	(1) Crude or fibre .....	Per ton .....	25
	(2) Shorts, waste or refuse.....	Per ton .....	15
40	Asphalt (Asphaltum)—		
	(1) In bulk and piped .....	Per ton .....	15
	(2) In containers .....	Per ton .....	30
50	Automobiles—		
	(1) Boxed .....	Per ton .....	25
	(2) Unboxed—		
	(a) Accompanying passengers to or from points outside Canada .....	Each .....	100
	(b) Accompanying passengers to or from points in Canada .....	Each .....	50
	(c) N.O.S. ....	Each .....	300
60	Ballast, vessel, non-revenue .....	Per ton .....	10
70	Beans, common, in bags .....	Per ton .....	25
80	Beers .....	Per ton .....	100
90	Beet pulp .....	Per ton .....	25
100	Blood, dried .....	Per ton .....	25
110	Boats, (exclusive of canoes)—		
	(1) Not over 17 ft. overall length..	Each .....	100
	(2) Over 17 ft., but not exceeding 20 ft. overall length .....	Each .....	150
	(3) Over 20 feet, but not exceeding 25 feet overall length .....	Each .....	300
	(4) Over 25 feet, but not exceeding 35 feet overall length .....	Each .....	600
	(5) Over 35 feet overall length....	Each .....	1,000



**Government Harbours and Piers Act—continued**

<i>Item No.</i>	<i>Description</i>	<i>Basis</i>	<i>Rate (cents)</i>
120	Bone meal .....	Per ton .....	25
130	Bricks—		
	(1) Building, common or pressed..	Per ton .....	15
	(2) Glazed, terra cotta or fire....	Per ton .....	30
140	Bullion and specie .....	Per ton .....	200
150	Butter, dairy .....	Per ton .....	40
160	Canoes .....	Each .....	100
170	Cement, natural or Portland—		
	(1) in bulk .....	Per ton .....	15
	(2) in containers .....	Per ton .....	25
180	Cheese .....	Per ton .....	40
190	Clay, burnt, ball, china (Kaolin) or fire .....	Per ton .....	25
200	Coal—		
	(1) Anthracite .....	Per ton .....	10
	(2) Bituminous .....	Per ton .....	8
210	Coke .....	Per ton .....	10
220	Containers, empty, (barrels, casks, drums, hogsheads, kegs, puncheons or tierces)—		
	(1) Under 100 lb. ....	Each .....	3
	(2) 100 lbs. and over .....	Each .....	5
230	Creosote in bulk and piped.....	Per ton .....	30
240	Eggs in shell .....	Per ton .....	40
250	Explosives (if use of harbour facilities involved) .....	Per ton .....	200
	(If transhipped in the stream, in- volving no use of harbour facilities)	Per ton .....	50
260	Fertilizers, chemical (superphos- phate, nitrate of soda, sulphate of ammonia, muriate of potash, sulphate of potash, ammonium phosphate and calcium cyana- mide), in bulk, barrels or bags...	Per ton .....	25
270	Fish—		
	(1) Round .....	Per ton .....	15
	(2) In tins .....	Per ton .....	40
	(3) N.O.S. ....	Per ton .....	30
280	Flourspar .....	Per ton .....	25
290	Fruit—		
	(1) Apples, fresh .....	Per ton .....	15
	(2) Bananas .....	Per stem .....	1
	(3) Fresh, N.O.S. ....	Per ton .....	30
	(4) Dried or in brine or in tins (except jams) .....	Per ton .....	40
300	Furs, all kinds (except waste).....	Per ton .....	100
310	Gasoline—		
	(1) In bulk and piped .....	Per ton .....	11
	(2) In containers .....	Per ton .....	30

**Government Harbours and Piers Act—continued**

<i>Item No.</i>	<i>Description</i>	<i>Basis</i>	<i>Rate (cents)</i>
320	Grain and grain products—		
	(1) Grain, whole, in bulk or in bags handled at or through elevators .....	Per ton .....	6
	(2) Grain, whole, in bags, N.O.S. ....	Per ton .....	15
	(3) Grain products, in bags or barrels—		
	(a) Flour (cereal) .....	Per ton .....	15
	(b) Bran, brewers' sprouts, feeds (cattle or poultry), corn meal, oatmeal, middlings, rolled oats, pollard, screenings, shorts .....	Per ton .....	20
	(c) Malt .....	Per ton .....	30
330	Gravel, in bulk .....	Per ton .....	8
340	Gypsum—		
	(1) rock, in bulk .....	Per ton .....	10
	(2) plaster, common .....	Per ton .....	15
350	Hay .....	Per ton .....	20
360	Hides, undressed, in bales .....	Per ton .....	35
370	Iron or steel products—		
	(1) Billets, blooms pig (spiegeliesen) .....	Per ton .....	30
	(2) Bands, bars, Canada plate, fish plates, hoop iron, hoops, piling, piping, plates, rails, rods, sheets, skelp, strips, structural (angles, beams, channels, tees, zeds), tie-plates, tubing .....	Per ton .....	40
	(3) Bolts, horseshoes, nails, nuts, rivets, screws, staples, tacks... ..	Per ton .....	45
380	Jewellery, including watches.....	Per ton .....	100
390	Jute (bags, bagging, burlaps, canvas, cloth, hessons) .....	Per ton .....	35
400	Lard .....	Per ton .....	30
410	Lime, common, including whiting..	Per ton .....	20
420	Liquors, alcoholic, N.O.S.....	Per ton .....	200
430	Lumber or other forest products—		
	(1) Logs, poles, piling .....	Per 1,000 ft. B.M. ....	15
	(2) Lumber—		
	(a) Hewn or rough sawn....	Per 1,000 ft. B.M. ....	15
	(b) Planed or finished, N.O.S..	Per 1,000 ft. B.M. ....	20
	(c) Small, in bundles (except flooring) .....	Per ton .....	30
	(3) Cooperage stock, box shooks..	Per ton .....	30
	(4) Hardwood flooring .....	Per ton .....	40
	(5) Ties—		
	(a) Railway (cross) 8 ft. long.	Per 100 .....	50
	(b) Railway (switch) .....	Per 1,000 ft. B.M. ....	15
	(6) Pulpwood, cordwood, slabs ...	Per cord .....	12

**Government Harbours and Piers Act—continued**

<i>Item No.</i>	<i>Description</i>	<i>Basis</i>	<i>Rate (cents)</i>
440	Mail .....	Per bag .....	5
450	Meats—		
	(1) Fresh or frozen .....	Per ton .....	20
	(2) Cured .....	Per ton .....	30
	(3) In tins .....	Per ton .....	40
	(4) Scrap .....	Per ton .....	20
460	Molasses—		
	(1) In bulk and piped .....	Per ton .....	25
	(2) In containers .....	Per ton .....	30
470	Oilcake and oilcake meal (linseed, cottonseed, soya bean) .....	Per ton .....	20
480	Oils, vegetable in bulk and piped ..	Per ton .....	30
490	Ores and ore concentrates, in bulk—		
	(1) Iron, iron pyrites .....	Per ton .....	10
	(2) Bauxite, chrome, copper, ferro- manganese, ferro-silicon, lead, manganese, zinc .....	Per ton .....	20
500	Paper—		
	(1) Newsprint, in rolls .....	Per ton .....	20
	(2) Waste .....	Per ton .....	15
510	Passengers' baggage, of passengers embarking for or disembarking from trans-Atlantic points .....	Per passenger .....	50
520	Peas, in bags—		
	(1) Whole .....	Per ton .....	25
	(2) Split .....	Per ton .....	30
530	Petroleum oil, crude or refined (except gasoline)—		
	(1) In bulk and piped .....	Per ton .....	10
	(2) In barrels or drums .....	Per ton .....	30
540	Phosphate rock, in bulk .....	Per ton .....	15
550	Pitch—		
	(1) In bulk and piped .....	Per ton .....	15
	(2) In containers .....	Per ton .....	30
560	Rice, in bags—		
	(1) Unhauled or uncleaned .....	Per ton .....	15
	(2) Meal .....	Per ton .....	20
	(3) N.O.S. .....	Per ton .....	25
570	Roofing, felt or paper, in rolls ..	Per ton .....	30
580	Rubber, crude (including latex), scrap .....	Per ton .....	30
590	Salt (Sodium Chloride)—		
	(1) Fine, for industrial purposes, in bulk .....	Per ton .....	15
	(2) Coarse, in bags or bulk or blocks .....	Per ton .....	20
	(3) Table, in barrels or bags ..	Per ton .....	30
600	Sand in bulk .....	Per ton .....	8

**Government Harbours and Piers Act—continued**

<i>Item No.</i>	<i>Description</i>	<i>Basis</i>	<i>Rate (cents)</i>
610	Scrap (including ashes and dross)—		
	(1) Aluminum, brass, copper, lead, tin, zinc .....	Per ton .....	30
	(2) Iron, steel .....	Per ton .....	25
620	Shells, marine (ground or broken) ..	Per ton .....	30
630	Shingles, (Asphalt) .....	Per ton .....	40
640	Ships' stores (except bunkers) minimum per voyage, 5 tons.....	Per ton .....	20
650	Slag, basic .....	Per ton .....	25
660	Soups, in tins .....	Per ton .....	40
670	Spelter .....	Per ton .....	35
680	Spirits, alcoholic, N.O.S.....	Per ton .....	200
690	Stone—		
	(1) Crushed, N.O.S. ....	Per ton .....	10
	(2) Blocks and slabs, N.O.S. ....	Per ton .....	15
	(3) Marble (chips, blocks, slabs) ..	Per ton .....	30
700	Straw .....	Per ton .....	20
710	Sugar—		
	(1) Raw .....	Per ton .....	25
	(2) Refined .....	Per ton .....	30
720	Sulphur, in bulk .....	Per ton .....	20
730	Syrup (cane, corn, glucose, maple) ..	Per ton .....	40
740	Tankage (Abattoir) .....	Per ton .....	25
750	Tar—		
	(1) In bulk and piped .....	Per ton .....	15
	(2) In containers .....	Per ton .....	30
760	Tarvia .....	Per ton .....	35
770	Tobacco—		
	(1) Manufactures of .....	Per ton .....	100
	(2) Leaf, uncut .....	Per ton .....	40
	(3) N.O.S. ....	Per ton .....	100
780	Tomato pulp, in tins .....	Per ton .....	40
790	Vegetables—		
	(1) Fresh or raw .....	Per ton .....	20
	(2) Dried or in tins, N.O.S.....	Per ton .....	40
800	Wallboard .....	Per ton .....	30
810	Wines .....	Per ton .....	200
820	Wire (Iron or steel)—		
	(1) Wire rods .....	Per ton .....	30
	(2) In bundles or coils, N.O.S.....	Per ton .....	40
	(3) Barbed wire, wire fencing, wire netting, wire rope .....	Per ton .....	45
830	Woodpulp .....	Per ton .....	15
840	Woodpulpboard .....	Per ton .....	25
	(2) Top wharfage rates as above set out shall include free time for the removal of goods from the property administered by the Department of Transport, after complete discharge of the vessel from which such goods have been landed, as follows:		
	(a) On lumber landed on wharves from vessel .....	Seven (7) working days.	



**Government Harbours and Piers Act—continued**

- (b) On goods requiring to be gauged or inspected by officers of His Majesty's Government ..... Eight (8) working days.
- (c) On goods landed in the harbour from the last vessel docking at any wharf or shed in any navigation season..... Eight (8) working days.
- (d) On all other goods ..... Five (5) working days.
- (e) Notwithstanding the foregoing, the time limits, as above, may be extended for removal of goods which, for good and proper reason, cannot reasonably be removed within the free time specified in this subsection and pertaining to such goods.

(3) On all goods remaining on property administered by the Department, with the exception of any such property (other than transit sheds) under lease or allotment from, or other arrangement with, the Department, after the expiry of free time, as above set forth, the following additional top wharfage charges shall be levied:—

- (a) For each of the first four (4) working days after the expiry of the free time specified, an amount equal to twenty-five (25) per cent of the top wharfage charges on said goods;
- (b) For each working day thereafter, an amount equal to fifty (50) per cent of the top wharfage charges on said goods.

(4) The Agent of each vessel discharging in the harbour, shall deliver at the office of the wharfinger or other duly authorized officer of the Department of Transport, within twenty-four (24) hours after the vessel is discharged, a certificate to that effect, and such agent shall also deliver to the wharfinger or other duly authorized officer of the Department of Transport, before noon on the sixth working day after discharge, a list, in duplicate, of all goods which have become subject to the additional top wharfage specified in Section 3 above.

(5) After the expiry of the free time allowed for the removal of goods from wharves or sheds, the agent of any vessel shall not deliver any goods discharged from such vessel and which have become subject to the additional charges specified in Section 3 hereof until released by the wharfinger or other duly authorized officer.

**MINIMUM CHARGE**

Each bill of lading shall constitute an entry and notwithstanding anything hereinbefore set forth the minimum charge on each entry shall be twenty-five (25) cents.

**TERMS AND CONDITIONS**

(1) The consignee, shipper, owner or agent of goods subject to top wharfage shall be responsible for payment of such top wharfage and no such goods shall be removed from the harbour until such top wharfage is fully paid or security for payment has been accepted by the Department.

(2) Top wharfage shall be paid on all goods for local delivery prior to release of said goods by the Department and in the case of import goods

**Government Harbours and Piers Act—continued**

prior to passage of customs entry. In all other cases, top wharfage shall be paid prior to release of the goods by the Department, except in those cases where security for payment has been accepted by the Department, in which event top wharfage, shall be paid:—

- (a) In respect of inward goods, within thirty (30) days after date of docking of vessel bringing such goods;
- (b) In respect of outward goods, within thirty (30) days after date of departure of vessel taking such goods;
- (c) Notwithstanding the foregoing, in respect of goods received or forwarded by water, within thirty (30) days after date of departure of outbound vessel.

(3) When top wharfage must be paid within a thirty-day period, as aforesaid, and same has not been paid at the expiry of said period, additional top wharfage may be levied by the Department for each subsequent thirty (30) days, or part thereof, that top wharfage remains due and unpaid, in an amount equal to twenty-five (25) per cent of the top wharfage otherwise payable.

(4) Rates enumerated in this tariff apply only to top wharfage rates as defined herein and do not include any rates or charges assessable under any other tariff of charges in effect.

(5) This tariff is issued pursuant to and subject to "The Harbours and Piers Act" Chapter 89, R.S. 1927, Section 7.

GENERAL

The charge for supplying water to vessels will be cost plus 10 per cent. Vessels are expected to supply their own hose for this purpose. An additional charge of \$2 will be made for wharf hose if used.

Electric current for light furnished to vessels will be charged at cost, plus 10 per cent.

SIDE WHARFAGE—DEFINITION

"*Side Wharfage*" is defined as a charge, payable to the Wharfinger or other duly authorized officer of the Department of Transport, levied on vessels for docking, which for the purposes of this tariff, means mooring at any jetty, pier, wharf, bulkhead, or similar structure under the administration, management or control of the Department in the harbour of Sorel, whether the vessel is made fast to such jetty, pier, wharf, bulkhead, or other similar structure, or to a vessel or vessels made fast thereto.

TARIFF

(1) *Side Wharfage Charges:*

On every vessel docking, there shall be paid, except as hereinafter provided, charges as follows:—

For each eight (8) consecutive hours or part thereof—one-half cent ( $\frac{1}{2}$ c.) per net registered ton.

*Provided, however,* that on every vessel docking, consecutively, at more than one berth, charges shall be levied throughout the period beginning when the vessel docked at the first berth and ending when the vessel undocked from the last berth.

**Government Harbours and Piers Act—concluded**

(2) On every vessel not docking but loading or discharging by means of a lighter or lighters there shall be paid, except as hereinafter provided, one-half ( $\frac{1}{2}$ ) of the rate set forth in Section 1 hereof, but no charge shall be levied on the lighter or lighters when so employed.

(3) On every vessel permitted by the Department to dock from the close of navigation in any calendar year to the opening of navigation in the succeeding calendar year, and not engaging in commercial activity during that period, there shall be paid, except as hereinafter provided, the following charges:—

(a) Vessels 150 feet overall length and under.....\$ 25

(b) Vessels over 150 feet overall length..... 50

In the event of a vessel laying up during the non-navigation season as above provided, and engaging in commercial activity during the whole or part of such period, there shall be paid in respect of such vessel while thus engaged, in addition to the charges above provided, a further charge at the rate of two and one-half cents ( $2\frac{1}{2}$ ) per net registered ton per month or part thereof.

**MINIMUM CHARGES**

Notwithstanding anything hereinbefore set forth, the minimum charge for side wharfage will be One Dollar (\$1).

**EXEMPTIONS**

The following vessels shall be exempt from the payment of side wharfage charges:—

Vessels of His Majesty's Government not engaged in commerce;

Vessels of foreign governments not engaged in commerce;

Vessels docking in the interests of safety of navigation, with the permission of the Department or its duly authorized officer, provided such vessels enter the harbour and depart therefrom within a period of twelve (12) consecutive hours and do not engage in commercial activity while therein;

Tugs, while engaged in docking or undocking a vessel;

Vessels ordinarily engaged in Great Lakes-River St. Lawrence traffic while loading or discharging bulk grain only, or while waiting to load or discharge bulk grain.

**TERMS AND CONDITIONS**

(1) Wharfage charges will become due and payable as they accrue.

(2) Every vessel shall be considered docked when any line is made fast.

(3) Every vessel shall be considered undocked when all lines are cast off.

(4) In the event of a vessel having no recorded net registered tonnage, the Department, the Wharfinger, or other duly authorized officer, shall estimate the net tonnage of such vessel, and such estimates shall constitute, for the purposes of this tariff, the net registered tonnage of such vessel.

(5) Every vessel docking will be entirely at owner's risk.

(6) Charges enumerated in this tariff will apply only to side wharfage charges as defined herein and do not include charges under any other tariff or tariffs in effect.

(7) This tariff is issued pursuant to and subject to "The Harbours and Piers Act" chapter 89, R.S. 1927, section 7.

**GOVERNMENT RAILWAYS ACT. (R.S.C., 1927, c. 173)**

*See also* RAILWAYS; TRANSPORT COMMISSIONERS, BOARD OF.

No statutory orders or regulations were in effect under this Act on December 31, 1949. The rules and regulations made thereunder became inoperative upon the entrustment in January, 1923, of the management and operation of the government railways to the Canadian National Railway Company.

**GOVERNMENT WORKS TOLLS ACT. (R.S.C., 1927, c. 167)**

No statutory orders or regulations under this statute were in effect on December 31, 1949. Since 1920 the booms, slides and piers belonging to the Department of Public Works on the Ottawa River have been operated by the Upper Ottawa Improvement Company. By the terms of section thirteen of chapter 102 of the Statutes of Canada, 1888, the tariff of dues and charges proposed to be levied by the Company for the use of its works is required to be approved by the Governor in Council. In practice a tariff of tolls is submitted for approval annually, that for the season of 1949 having been approved by Order in Council P.C. 807 of 22nd February 1949. Further information may be obtained from the Secretary, Department of Public Works, Ottawa.

**GRAIN**

*See also* GRAINS AND MILLFEEDS; INLAND WATER FREIGHT RATES ACT; WHEAT AND GRAIN.

**CANADA GRAIN ACT. (1930, c. 5)**

**Regulations of the Board of Grain Commissioners for Canada**

BOARD OF GRAIN COMMISSIONERS FOR CANADA

DEPARTMENT OF TRADE AND COMMERCE

For the purpose of consolidation, the Board of Grain Commissioners for Canada hereby repeals and re-enacts in the annexed consolidated form the Regulations made under The Canada Grain Act on 31st October, A.D., 1947, as amended and in effect on 1st August, A.D., 1949.

SIGNED and SEALED at WINNIPEG, in the Province of MANITOBA, this TWENTY-FIRST DAY of DECEMBER, A.D., 1949.

D. G. McKENZIE,  
*Chief Commissioner.*

J. VALLANCE,  
*Commissioner.*

J. RAYNER,  
*Secretary.*



**Canada Grain Act—continued****Regulations**

No.

- 1 Registration and Cancellation of Terminal Elevator Warehouse Receipts.
- 2 Registration and Cancellation of Eastern Warehouse Receipts and Transfer Receipts.
- 3 Construction of Elevators.
- 4 Cleaning Grain and Bins, Terminal Elevators.
- 5 Off Grades for Western Grain.
- 6 Off Grades for Eastern Grain.
- 7 Grades of Screenings.
- 8 Inspection of Samples Taken other than at an Inspection Point.
- 9 Appeals from Inspection Officers to Grain Appeal Tribunals.
- 10 Delivery of Grain to Ocean Vessels at Montreal, Quebec.
- 11 Delivery of Grain to Ocean Vessels at West Saint John, N.B.
- 12 Delivery of Grain to Ocean Vessels at East Saint John, N.B.
- 13 Delivery of Grain to Ocean Vessels at Halifax, N.S.
- 14 Enforcement of Lien by Sale of Grain.
- 15 Drying of Grain.
- 16 Fees.
- 17 Records, Reports and Returns.
- 18 Procedure, Country Elevators.
- 19 Receipt for Grain Delivered to Private Country Elevators and Mill Elevators.
- 20 Maximum Tariff of Charges, Eastern Elevators.
- 21 Maximum Tariff of Charges, and Shrinkage Allowance, Country Elevators.
- 22 Maximum Tariff of Charges, Terminal Elevators.
- 23 Applications for licences and terms and conditions under which licences are issued.

**Canada Grain Act—continued**

REGULATION No. 1

REGISTRATION AND CANCELLATION OF TERMINAL

ELEVATOR WAREHOUSE RECEIPTS

1. Terminal warehouse receipts issued by licensees of public or semi-public terminal elevators in accordance with Section 126 of The Canada Grain Act shall be in the form set forth in the Schedule attached hereto.

2. All warehouse receipts for grain issued by the manager or operator of any public or semi-public terminal elevator shall be numbered consecutively for each elevator. No two receipts bearing the same number shall be issued from the same elevator during any one year. In the case of a lost or destroyed receipt a new receipt may be issued provided the manager or operator of the public or semi-public terminal elevator files with the Registrar of Warehouse Receipts a bond indemnifying the Board against all claims in respect of the missing warehouse receipt. The new receipt shall be plainly marked "Reissue of Warehouse Receipt No. .... lost or destroyed".

3. All warehouse receipts shall be signed and countersigned in ink or by printed signature before being presented for registration.

4. The word "registered" when used in reference to a warehouse receipt shall mean that a distinctive rubber stamp, bearing the date and the word "registered" is superimposed on the warehouse receipt in the space provided, and signed by the Registrar of Warehouse Receipts or Deputy Registrar of Warehouse Receipts.

5. The manager or operator of every public or semi-public terminal elevator as soon as possible after the 31st day of July in each year, unless otherwise determined by the Board, shall prepare and deliver to the Registrar of Warehouse Receipts a statement of all outstanding warehouse receipts at that date. Such statement shall be made by grades, showing the warehouse receipt numbers and the bushels.

6. The manager or operator of every public or semi-public terminal elevator shall present to the Registrar of Warehouse Receipts for registration warehouse receipts for all grain unloaded into his public or semi-public terminal elevator. Such warehouse receipts shall state the quantity and grade of grain, the date unloaded and the person on whose account the grain has been received. The Registrar of Warehouse Receipts shall compare the same with the records in his office and if he shall find that the same is issued for grain actually received in store into the elevator, and if for the correct quantity and grade of grain so received therein as shown by the records in his office, he is directed and authorized to stamp the same with his official stamp as registered, and to make a record thereof in the proper books in his office.

7. When any grain is shipped from any public or semi-public terminal elevator, the manager or operator thereof shall tender to the Registrar of Warehouse Receipts for "registration for cancellation" registered warehouse receipts covering the same as to kind, quantity and grade. All such receipts tendered to the Registrar of Warehouse Receipts as aforesaid shall be

**Canada Grain Act—continued**

accompanied by a report showing the numbers of the warehouse receipts, the kind, quantity and grade of the grain represented by such receipts, and such receipts shall be presented to the Registrar of Warehouse Receipts for cancellation as soon as possible after the shipment of the grain, in no case exceeding forty-eight hours after such grain has been shipped from the elevator.

8. Each manager or operator of a semi-public terminal elevator shall furnish the Registrar of Warehouse Receipts daily with a correct statement of the amount of each kind and grade of grain received into store in his elevator on the previous day; also the amount of each kind and grade of grain shipped by each elevator during the previous day and a certified statement showing the balance in store at the close of business each day of each kind and grade of grain.

9. The manager or operator of a public or semi-public terminal elevator may present to the Registrar of Warehouse Receipts warehouse receipts to be split into two or more parts. A cancellation report shall be made showing date, number, bushels and grade of warehouse receipts being cancelled, and a registration report showing date, number, bushels and grade of the new warehouse receipts. Such new warehouse receipts shall be registered by the Registrar of Warehouse Receipts.

10. The manager or operator of a semi-public terminal elevator may present to the Registrar of Warehouse Receipts two or more warehouse receipts for consolidation. A cancellation report shall be made up showing date, number of bushels, grade and numbers of the warehouse receipts being cancelled and a registration report showing date, number of bushels, grade, and number of the new warehouse receipt. Such new warehouse receipt shall be registered by the Registrar of Warehouse Receipts. Consolidations for grades No. 1 Manitoba Hard, No. 1 Manitoba Northern, No. 2 Manitoba Northern, No. 3 Manitoba Northern, No. 1 C. W. Garnet and No. 2 C. W. Garnet must be for the same grade as is shown on the warehouse receipts presented for cancellation; all other consolidations may be registered as to grade for a grade different from that shown on the cancelled warehouse receipts, provided that the total outstanding warehouse receipts including the said warehouse receipt for grain of such grade, shall not exceed the total quantity of grain of such grade shown to be in store at that date. Warehouse receipts to cover mixtures of different grades other than of No. 1 Manitoba Hard, No. 1 Manitoba Northern, No. 2 Manitoba Northern, No. 3 Manitoba Northern, No. 1 C. W. Garnet and No. 2 C. W. Garnet must be surrendered to the Registrar of Warehouse Receipts for cancellation within forty-eight hours after the time the actual mixing takes place and new warehouse receipts for the consolidation presented for registration at the same time. When tough grain of the first four grades of Red Spring wheat specified in Schedule 1 to The Canada Grain Act, and of the grades of Nos. 1 and 2 C. W. Garnet is dried by mixing such tough grain with the corresponding straight grade of wheat, warehouse receipts on account of such stock adjustments will only be accepted for registration:

- (a) When the tough wheat is of the same grade as the straight grade wheat, and
- (b) When such tough wheat has not previously been mixed with grain of other grades.

Canada Grain Act—continued

11. The Registrar of Warehouse Receipts shall furnish the manager or operator of every public or semi-public terminal elevator with a Signature Card and the manager or operator shall complete such Card with a specimen signature of all the officers or employees who are authorized to sign and countersign warehouse receipts in their behalf.

*Schedule Attached to Regulation No. 1*

Countersigned	By..... (For Registration Stamp)	Registered as to weight and grade	(Name).....	No.....
			WAREHOUSE RECEIPT	
			Received in store in our.....Elevator, Grade.....	
			subject to the Order of.....	
			Bushels.....	
			Pro.....Car.....	
			Grain of grade and quantity as shown hereon. Like grade and quantity will be delivered to the holder hereof upon surrender of this receipt properly endorsed and on payment of all lawful charges due to this company in connection therewith.	
			Storage in arrears against this grain in excess of 30 days shall be paid at the office of this company February 15th and August 15th in each year.	
			This receipt not valid unless Signed, Counter-signed and Registered.	
			Accrued Storage Paid To— .....Certified..... .....“..... .....“..... .....“..... (Name)..... By.....	

REGULATION No. 2

REGISTRATION AND CANCELLATION OF EASTERN WAREHOUSE RECEIPTS AND  
TRANSFER RECEIPTS

*Eastern Warehouse Receipts*

1. Eastern Warehouse Receipts issued by licensees of Eastern elevators in accordance with Section 126 of The Canada Grain Act shall be in the Form 1 in the schedule to this regulation.

2. All Eastern warehouse receipts issued by the manager or operator of any Eastern elevator shall be numbered consecutively for each elevator. No two receipts bearing the same number shall be issued from the same elevator during any one year. In the case of a lost or destroyed receipt a new receipt may be issued provided the manager or operator of the Eastern elevator files with the Deputy Registrar of Warehouse Receipts at Montreal a bond indemnifying the Board against all claims in respect of the missing warehouse receipt. The new receipt shall be plainly marked “Reissue of Eastern Warehouse Receipt No. . . lost or destroyed”.

3. All Eastern warehouse receipts before being issued shall be registered with the Board by the officer or employee of the elevator authorized to register such receipts.

4. When small parcels of grain are delivered from an Eastern elevator, if the warehouse receipt presented is for a larger amount than the amount delivered such warehouse receipt may be endorsed to show the amount delivered and a report shall forthwith be submitted to the Board's Deputy Registrar at Montreal showing the number of the warehouse receipt and the amount delivered against such receipt.



**Canada Grain Act—continued***Transfer Receipts*

5. Transfer receipts issued by licensees of Eastern elevators in accordance with subsection 4 of Section 126 of The Canada Grain Act shall be in the Form 2 in the schedule to this regulation.

6. All transfer receipts issued by the manager or operator of any Eastern elevator shall be numbered consecutively for each elevator. No two receipts bearing the same number shall be issued from the same elevator during any one year. In the case of a lost or destroyed receipt a new receipt may be issued provided the manager or operator of the Eastern elevator files with the Deputy Registrar of Warehouse Receipts at Montreal a bond indemnifying the Board against all claims in respect of the missing transfer receipt. The new receipt shall be plainly marked "Reissue of Transfer Receipt No. . . . . lost or destroyed".

7. Transfer receipts shall be issued in duplicate, the original being filed forthwith, on behalf of the holder of the bill of lading with the Deputy Registrar of the Board at Montreal, and the duplicate copy shall be retained by the manager or operator of the elevator.

8. All transfer receipts shall immediately after being made out by the manager or operator of an Eastern elevator be registered with the Board by the officer or employee of the elevator authorized to register such receipts.

*General*

9. All transfer receipts and Eastern warehouse receipts shall be signed and countersigned before being stamped and registered.

10. The word "registered" when used in reference to a transfer receipt or Eastern warehouse receipt shall mean that a distinctive rubber stamp, bearing the date and the word "registered", is superimposed on the transfer or Eastern warehouse receipt in the space provided and signed by the officer authorized to stamp and sign the same, and the fact recorded in the books of the Board of Grain Commissioners.

11. The officer or employee of an Eastern elevator authorized to register transfer and Eastern warehouse receipts shall forward daily to the Board's Deputy Registrar at Montreal, a statement showing the details of all transfer and/or warehouse receipts registered that day.

12. Each manager or operator of an Eastern elevator shall furnish to the Board's Deputy Registrar, Montreal, daily a detailed statement in the form prescribed by the Board, of the amount of each kind and grade of grain received into store in his elevator on the previous day.

13. Except as herein provided, when any grain is shipped from an Eastern elevator the manager or operator of such elevator shall, within twenty-four hours after the loading of this grain, forward to the Board's Deputy Registrar at Montreal for cancellation, the appropriate transfer or Eastern warehouse receipts to cover such deliveries, accompanied by a report showing the numbers of the transfer or Eastern warehouse receipts, the number of bushels and kind of grain represented by such receipts. After being stamped by the Deputy Registrar "Registered for Cancellation", these Eastern warehouse receipts or transfer receipts shall be returned to the manager or operator of the elevator at which such Eastern warehouse receipts or transfer receipts were issued.

14. Each manager or operator of an Eastern elevator shall furnish the Board's Deputy Registrar at Montreal daily, with a detailed statement

**Canada Grain Act—continued**

in the form prescribed by the Board, of the amount of each kind and grade of grain shipped during the previous day, and a certified statement showing the balance in store at the close of business each day of each kind and grade of grain.

15. The manager or operator of an Eastern elevator may cause a transfer receipt or Eastern warehouse receipt to be split into two or more parts.

16. The manager or operator of an Eastern elevator may consolidate two or more transfer receipts or two or more Eastern warehouse receipts for grain of the same grade.

17. When transfer receipts or Eastern warehouse receipts are split or consolidated, after the new transfer or Eastern warehouse receipts have been registered, the original transfer receipts or Eastern warehouse receipts shall be stamped "For cancellation" and forwarded by the officer or employee of the elevator authorized to register such receipts, to the Board's Deputy Registrar at Montreal, for registration for cancellation, together with a statement giving full details of the new transfer or Eastern warehouse receipts registered.

18. Each manager or operator of an Eastern elevator shall furnish to the Board's Deputy Registrar at Montreal specimen signatures of all officers or employees who are authorized to sign and countersign transfer or Eastern warehouse receipts on their behalf; also specimen signatures of the officers or employees authorized to stamp and register transfer and Eastern warehouse receipts.

19. Each manager or operator of an Eastern elevator shall pay to the Board a registration fee of one cent (1c.) per thousand bushels for registration and one cent (1c.) per thousand bushels for registration for cancellation. No charge will be made in connection with the registering or registering for cancellation of splits and consolidations.

*Schedule Attached to Regulation No. 2*

FORM 1.

Countersigned By.....	(For Registration Stamp) Registered as to weight and grade	(Name).....	No.....
			Date of Issue.....
		<b>EASTERN WAREHOUSE RECEIPT</b>	Grade.....
		Received in store in our..... Elevator, on account of and subject to the order of	Bushels.....
			Per.....
			Date of B/L.....
			No. (if any).....
			Received into Store.....
		Grain of grade and quantity as shown hereon. Upon surrender of this receipt properly endorsed, and on payment of all lawful charges due to this company in connection therewith, this grain will be delivered in accordance with the provisions of The Canada Grain Act and the Regulations of the Board of Grain Commissioners for Canada.	Accrued Storage Paid to:— .....Certified.....
		This receipt is not valid unless Signed, Countersigned and Registered.	..... " .....
		<b>SUBJECT TO SUCH DELIVERY ENDORSEMENTS AS MAY BE NOTED ON THE BACK HEREOF.</b>	..... " .....
			..... " .....
			(Name).....
			By.....

## Canada Grain Act—continued

## FORM 2.

Countersigned By ..... (For Registration Stamp)	Registered as to weight and grade	(Name)..... <div style="text-align: center;"><b>TRANSFER RECEIPT</b></div> Received in store in our.....Elevator, subject to the regular charges on the account of the holder of the original through Bill of Lading issued in the name of .....  Grain of grade and quantity as shown hereon. This grain will be delivered in accordance with the provisions of The Canada Grain Act and the Regulations of the Board of Grain Commissioners for Canada. This instrument identifies the grain specified herein with the grain covered by the through Bill of Lading named herein. This receipt subject to the responsibilities of the licensee of this elevator does not relieve the issuer of the through Bill of Lading from the terms and provisions thereof. This receipt not valid unless Signed, Countersigned and Registered.	No.....  Date of Issue..... Grade..... Bushels..... Per..... From..... Date of B/L..... No. (if any)..... Received into Store..... (Name)..... By.....
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## REGULATION No. 3

## PLANS RE TERMINAL AND EASTERN ELEVATORS

Any person or persons desirous of constructing any Terminal or Eastern elevator with a view to having such elevator licensed under The Canada Grain Act, or reconstructing or making additions to any Terminal or Eastern elevator already licensed under The Canada Grain Act, shall submit to the Board of Grain Commissioners for Canada, before such construction, reconstruction or addition is undertaken, the plans of such construction, reconstruction or addition, and shall not proceed with this construction, reconstruction or addition until such plans have been formally approved by the Board of Grain Commissioners.

## REGULATION No. 4

## CLEANING GRAIN AND BINS—TERMINAL ELEVATORS

1. When wheat is being shipped from the storage bins in public, semi-public or private terminal elevators, the last one thousand (1,000) bushels, at least, from the bottom of the bins must be put through the cleaners in the elevator before such grain is discharged into a vessel or car.

2. All bins in such terminal elevators on becoming empty must be thoroughly swept and cleaned before being used again.

## REGULATION No. 5

## "OFF GRADES" FOR WESTERN GRAIN

"Off grades" for all kinds or varieties of western grain for which grades have been established under The Canada Grain Act, but which cannot be assigned to any such statutory or commercial grades unless treated or specially cleaned are hereby established under the names and definitions herein specified.

**Canada Grain Act—continued**

**TOUGH, DAMP, MOIST OR WET**

All western grain containing excessive moisture shall be graded according to the grade requirements of the standards applicable to such grain if it did not contain excessive moisture and there shall be added to, and made part of, the grade name the word "Tough", "Damp", "Moist" or "Wet" according to the percentages of moisture given in the following table:—

**PERCENTAGES OF MOISTURE—TOUGH, DAMP, MOIST AND WET GRADES**

	Tough	Damp
Red Spring Wheat.....	14.6% to 17% inclusive	Over 17%
White Spring Wheat.....	14.6% to 17% "	" 17%
Winter Wheat.....	14.6% to 17% "	" 17%
Durum Wheat.....	14.9% to 17% "	" 17%
Barley.....	14.9% to 17% "	" 17%
Buckwheat.....	14.9% to 17% "	" 17%
Oats.....	14.1% to 17% "	" 17%
Rye.....	14.1% to 17% "	" 17%
Flax.....	10.6% to 13.5% "	" 13.5%
Peas.....	16.1% to 18% "	" 18%
Tame Mustard.....	11.1% to 16% "	" 16%
Corn.....	15.6% to 17.5% "	Damp, 17.6% to 21% inclusive Moist, 21.1% to 25% inclusive Wet, Over 25%

Soybeans—Tough—14.1% to 16% inclusive  
Damp—16.1% to 18% inclusive  
Moist—18.1% to 20% inclusive  
Wet—Over 20%

Sunflower Seed—Tough—9.6% to 13.5% inclusive  
Damp—13.6% to 17% inclusive  
Moist—17.1% to 22% inclusive  
Wet—Over 22%.

**DRIED**

Western grain graded into an off grade on account of excessive moisture content and afterwards artificially dried shall be graded according to the grade requirements of the statutory or commercial grade applicable to such grain if it had not contained excessive moisture and had not been dried, except there shall be added to and made part of the grade name the word "Dried" if in the judgment of the Grain Inspector such grain has suffered injury through having been so dried.

**SCOURED OR WASHED**

Subject to the provisions of Section 42 of The Canada Grain Act, western grain that has been subjected to scouring or washing shall be graded according to the grade requirements of the statutory or commercial grades applicable to such grain if it had not required to have been washed or scoured, except there shall be added to and made part of the grade name the word "Scoured" or "Washed" if in the judgment of the Grain Inspector such grain has suffered injury through having been so washed or scoured.

**SMUTTY**

All western wheat or rye that has an unmistakable odour of smut, or which contains smut spores or portions of balls of smut shall be graded according to the grade requirements of the statutory or commercial grade for which it otherwise qualifies and there shall be added to and made part of the grade name the word "Smutty".



**Canada Grain Act—continued**

## REJECTED

(a) All western wheat or rye containing excessive admixtures, but not exceeding ten per cent (10%) of other cereal grains or foreign material that cannot be readily removed, shall be graded according to the grade requirements of the statutory or commercial grade applicable to such grain if it did not contain such excessive admixtures, and there shall be added to and made part of the grade name the word "Rejected".

(b) All western wheat or rye that is unsound, musty, sprouted, containing up to ten per cent (10%) heated or eight per cent (8%) fireburnt, mixed with cinders, gravel or like material, or has a commercially objectionable foreign odour such as melilot (sweet clover), coal oil, or other commercially objectionable foreign odour, shall be graded according to the grade requirements of the statutory or commercial grade applicable to such grain if it were sound, and there shall be added to and made part of the grade name the word "Rejected" and words to indicate the damage.

(c) All western oats and barley excluded from the statutory or commercial grades on account of (a) excessive admixture of heated grain but not more than ten per cent (10%); (b) excessive admixture of fireburnt grain but not exceeding eight per cent (8%); (c) containing cinders, gravel or like material; (d) has a commercially objectionable odour; (e) or other cause, shall be graded "Rejected" with the addition of, and made part of such grade name, words to indicate the damage.

## SAMPLE

All western grain that does not qualify for a statutory or commercial grade or an off grade named and defined herein shall be graded "Sample" with the addition of, and made part of such grade name, words to indicate the damage or admixtures.

## REGULATION No. 6

*"Off Grades" for Eastern Grain*

"Off grades" for all kinds or varieties of grain grown in the Eastern Division for which grades have been established under The Canada Grain Act but which cannot be assigned to any such statutory or commercial grades unless treated or specially cleaned are hereby established under the names and definitions herein specified.

*Tough, Damp, Moist or Wet*

All grain grown in the Eastern Division containing excessive moisture shall be graded according to the grade requirements of the standards applicable to such grain if it did not contain excessive moisture, and there shall be added to and made part of the grade name the word "Tough", "Damp", "Moist" or "Wet" according to the percentages of moisture given in the following table:—

Canada Grain Act—continued

PERCENTAGES OF MOISTURE—TOUGH, DAMP, MOIST AND WET GRADES

	Tough		inclusive	Over	Damp
Winter Wheat.....	14.1%	to 16.5%			16.5%
Spring Wheat.....	14.6%	to 16.5%	"	"	16.5%
Durum Wheat.....	14.9%	to 17.0%	"	"	17.0%
Oats.....	14.1%	to 16.5%	"	"	16.5%
Barley.....	14.9%	to 17.0%	"	"	17.0%
Rye.....	14.1%	to 16.5%	"	"	16.5%
Flaxseed.....	10.6%	to 13.5%	"	"	13.5%
Peas.....	16.1%	to 18.0%	"	"	18.0%
Beans.....	18.1%	to 20.0%	"	"	20.0%
Buckwheat.....	16.1%	to 18.0%	"	"	18.0%
Corn.....	15.6%	to 17.5%	"		
					Damp, 17.6% to 21% inclusive
					Moist, 21.1% to 25% inclusive
					Wet, Over 25%
Soybeans -- Tough—	14.1%	to 16%			
Damp—	16.1%	to 18%			
Moist—	18.1%	to 20%			
Wet—	over 20%.				

*Dried*

Grain grown in the Eastern Division graded into an "off grade" on account of excessive moisture content and afterwards artificially dried shall be graded according to the grade requirements of the statutory or commercial grade applicable to such grain if it had not contained excessive moisture and had not been dried, except there shall be added to and made part of the grade name the word "Dried" if in the judgment of the Grain Inspector such grain has suffered injury through having been so dried.

*Scoured or Washed*

Subject to the provisions of Section 42 of The Canada Grain Act, grain grown in the Eastern Division that has been scoured or washed shall be graded according to the grade requirements of the statutory or commercial grades applicable to such grain if it has not required to have been scoured or washed except there shall be added to and made part of the grade name the word "Scoured" or "Washed" if in the judgment of the Grain Inspector such grain has suffered injury through having been so scoured or washed.

*Smutty*

All wheat or rye grown in the Eastern Division that has an unmistakable odour of smut or which contains smut spores or, portions of balls of smut shall be graded according to the grade requirements of the statutory or commercial grade for which it otherwise qualifies and there shall be added to and made part of the grade name the word "Smutty".

REGULATION No. 7

GRADES OF SCREENINGS

Grades of screenings are named and defined as herein specified.

*Oat Screenings* shall be composed of wild oats or wild oats and cereal grains containing over three per cent (3%) and up to five per cent (5%) of dust, chaff or weed seeds.

**Canada Grain Act—continued**

*No. 1 Feed Screenings* shall consist of wild buckwheat and broken and shrunken grain and may contain small proportions of other seeds of feeding value and wheat scourings. It shall contain not more than three per cent (3%) small weed seeds, chaff and dust combined, not more than five per cent (5%) ball mustard, not more than six per cent (6%) small weed seeds, chaff, dust and ball mustard combined, not more than eight per cent (8%) wild oats, and shall be cool and sweet.

*No. 2 Feed Screenings* shall be grain screenings with or without wheat scourings and containing not more than three per cent (3%) small weed seeds, chaff and dust combined, not more than ten per cent (10%) ball mustard, not more than ten per cent (10%) small weed seeds, chaff, dust and ball mustard combined, not more than forty-nine per cent (49%) wild oats and shall be cool and sweet.

*Uncleaned Screenings* shall be grain screenings excluded from the preceding grades or classes because of the content of weed seeds, chaff or dust but containing at least thirty-five per cent (35%) of material which, if separated, would classify as No. 1 Feed Screenings.

*Refuse Screenings* shall include all classes of grain screenings excluded from the preceding grades because of the content of weed seeds, chaff or dust. The Inspector may make notations as to kind and condition:

*Provided that*

- (a) No. 1 Feed Screenings and No. 2 Feed Screenings shall contain not more than one per cent (1%) seeds or material designated under the Feeding Stuffs Act as injurious to the health of livestock or poultry.
- (b) Small weed seeds shall be those capable of passing through a  $4\frac{1}{2}/64$  inch round perforation.

### REGULATION No. 8

#### INSPECTION OF SAMPLES TAKEN OTHER THAN AT AN INSPECTION POINT

1. Any producer, holder of, or person or persons interested in any grain may submit to the Chief Inspector, or to the Inspector in charge at any inspection point of the Board of Grain Commissioners, at any time, a sample of such grain which has been taken otherwise than at an inspection point, provided always that such sample is forwarded in accordance with these regulations.

2. The sample must consist of two pounds of the grain which the sample represents and the sample shall be taken in such a manner as to ensure that an average and representative sample of the whole is secured.

3. Samples must be forwarded in cotton bags or tin containers with shipping tag attached and plainly addressed to the Chief Grain Inspector or Grain Inspector in charge at any inspection office maintained by the Board of Grain Commissioners, with carrying charges fully prepaid.

4. Not more than one sample may be enclosed in one container.

5. All samples must bear on the shipping tag attached to the container, or in an accompanying letter, the name and post office address of the party



**Canada Grain Act—continued**

or parties to whom advice as to the grade of the sample is to be forwarded, and each sample must bear on the shipping tag a distinguishing number or other mark of identification. The same mark of identification must not be used by a shipper on more than one sample during the season.

6. When it is the wish of the shipper that the Inspection Department shall make a test as to condition of any sample, the sample or a portion of the sample, not less than eight ounces in weight, must be forwarded in a metal air-tight container. This sample should be placed in the air-tight container immediately the sample is taken from the bulk of the grain which the sample represents.

REGULATION No. 9

APPEALS FROM INSPECTION OFFICERS TO GRAIN APPEAL TRIBUNALS

1. The freshly drawn or unload sample, if any, shall be placed before the Appeal Tribunal to examine and assign the proper grade.

2. When forwarding samples to the Appeal Tribunal the Inspecting Officer shall inform the Secretary of the Appeal Tribunal of the initial and car number of the car from which the sample was taken, the grade assigned to the sample by the Inspecting Officer and, in case of samples taken at unloading, the name and location of the elevator where the car is being or has been unloaded.

3. The results of all appeals to Appeal Tribunals shall immediately be given by the Secretary of the Appeal Tribunals to the Inspecting Officer who submitted the sample or samples to the Appeal Tribunal. The Inspecting Officer will then immediately advise the principal Inspecting Officers at the terminal point, who will advise the operator at the elevator where the car is being or has been unloaded.

4. The Secretary of the Appeal Tribunals shall notify the Statistician of the Board of Grain Commissioners daily of all changes made in grade and/or dockage by the Appeal Tribunal, stating the initial and number of the car which the sample represents, the grade assigned by the Inspecting Officer, the grade assigned by the Appeal Tribunal, and when known, the name of the elevator where the car is being or has been unloaded.

5. In cases where the identity of the grain has not been preserved appeals from the decision of the Inspecting Officer to the Appeal Tribunals may be made within thirty (30) days from date of unloading, if at unloading a sample of the grain was taken by means of an automatic sampler, and such sample has been preserved. Applications for such appeals shall only be made by the owner of the grain or his agent in whose possession the grain is at the time of the application.

In all other cases where the identity of the grain has not been preserved and a sample was not taken at the time of unloading by means of an automatic sampler, no appeal shall be entertained except with the express authority of the Board.

6. When in cases where the identity of the grain has not been preserved changes in grade and/or dockage are made as the result of an appeal to a Grain Appeal Tribunal advice of such change will be given by the Inspecting



**Canada Grain Act—continued**

Officer who submitted the sample or samples to the Appeal Tribunal to the principal Inspecting Officer at the terminal point, who will then advise the operator of the elevator where the grain was unloaded. The elevator operator will issue a corrected outturn.

The principal Inspecting Officer at the terminal point will advise the Registrar of all such changes and on the presentation for cancellation of the original warehouse receipt, a corrected warehouse receipt will be registered by the Registrar.

7. No application for appeal to a Grain Appeal Tribunal can be considered after the warehouse receipt has been surrendered to the Registration Branch for cancellation.

8. In all cases where any changes are made as a result of an appeal to a Grain Appeal Tribunal inspection records will be corrected accordingly and corrected certificates issued bearing the date on which the change was made.

9. Every application for appeal to a Grain Appeal Tribunal shall be accompanied by a fee of three dollars (\$3).

When the decision of the Inspecting Officer is upheld by the Grain Appeal Tribunal this fee shall be retained by the Board of Grain Commissioners.

In cases where the decision of the Inspecting Officer is not upheld the fee shall be returned to the applicant.

10. When the samples of artificially dried wheat which have been graded "dried" by an Inspecting Officer are submitted to a Grain Appeal Tribunal, it shall not assign the wheat in question to a straight grade without having an official milling and baking test made to determine whether the quality remains unchanged.

**REGULATION No. 10****DELIVERY OF GRAIN TO OCEAN VESSELS AT MONTREAL, QUEBEC**

Subject to the following conditions, for the purpose of ensuring the orderly despatch of grain from the Port of Montreal, Quebec, the elevators at that port managed and operated by the National Harbours Board are excepted from the provisions of Sections 103 and 135 of The Canada Grain Act.

1. When grain which is required for immediate delivery to ocean steamers is afloat in canal vessels in the harbour of Montreal, Quebec, or in the Lachine Canal, or is in transit by rail en route to the National Harbours Board elevators at Montreal, Quebec, from elevators on the Georgian Bay and Lake Huron, at Toronto, Ontario, and east thereof, the National Harbours Board may deliver to such ocean steamers, from its elevators at Montreal, Quebec, grain of like quantity, kind and grade.

2. Grain in store in the elevators of the National Harbours Board at Montreal, Quebec, which is ordered for immediate delivery by the owner of said grain or his agent, may be delivered in accordance with such order prior to the surrender of the elevator receipt or other document covering said grain, upon receipt by the National Harbours Board of a guarantee satisfactory to it that said receipt or other document will be surrendered in due course.

**Canada Grain Act—continued**

3. Provided that nothing herein contained shall authorize or permit the delivery of grain to ocean steamers for or on behalf of persons who are not the *bona fide* owners of grain of like quantity, kind and grade, in transit, said grain being situated within the area described in Paragraph (1) herein.

4. Notwithstanding anything contained in the Board's Regulation No. 2, when any grain is delivered from elevators of the National Harbours Board at Montreal, Quebec, under the conditions hereinbefore set forth, the manager or operator for the National Harbours Board at Montreal, Quebec, shall, within ten working days after the delivery of said grain forward to the Deputy Registrar of the Board at Montreal, Quebec, for cancellation, the appropriate Eastern Warehouse Receipt or Transfer Receipt to cover said deliveries as the case may require.

REGULATION No. 11

DELIVERY OF GRAIN TO OCEAN VESSELS AT WEST SAINT JOHN, N.B.

Subject to the following conditions, for the purpose of ensuring the orderly despatch of grain from the Port of West Saint John, New Brunswick, the elevators at that port managed and operated by the Canadian Pacific Railway Company are excepted from the provisions of Sections 103 and 135 of The Canada Grain Act.

1. When grain which is required for immediate delivery to ocean steamers is in transit on lines of the Canadian Pacific Railway Company en route to West Saint John, New Brunswick, from elevators on the Georgian Bay and Lake Huron, at Toronto, Ontario and east thereof, the Canadian Pacific Railway Company may deliver to such ocean steamers from its elevators grain of like quantity, kind and grade.

2. Grain in store in the elevators of the Canadian Pacific Railway Company at West Saint John, New Brunswick which is ordered for immediate delivery by the owner of said grain or his agent, may be delivered in accordance with such order prior to the surrender of elevator receipt or other document covering said grain upon receipt by the Canadian Pacific Railway Company of a guarantee satisfactory to it that said receipt or other document will be surrendered in due course.

3. Provided that nothing herein contained shall authorize or permit the delivery of grain to ocean steamers for or on behalf of persons who are not the *bona fide* owners of grain of like quantity, kind and grade, in transit, said grain being situated within the area described in Paragraph (1) herein.

4. Notwithstanding anything contained in the Board's Regulation No. 2, when any grain is delivered from the elevators of the Canadian Pacific Railway Company at West Saint John, New Brunswick, under the conditions hereinbefore set forth, the manager or operator for the Canadian Pacific Railway Company at West Saint John, New Brunswick shall, within ten working days after the delivery of said grain, forward to the Deputy Registrar of the Board at Montreal, Quebec, for cancellation, the appropriate Eastern Warehouse Receipt, or Transfer Receipt to cover said deliveries as the case may require.

**Canada Grain Act—continued**

## REGULATION No. 12

## DELIVERY OF GRAIN TO OCEAN VESSELS AT EAST SAINT JOHN, N.B.

Subject to the following conditions, for the purpose of ensuring the orderly despatch of grain from the Port of East Saint John, New Brunswick, the elevator at that port, managed and operated by the Canadian National Railways, is excepted from the provisions of Sections 103 and 135 of The Canada Grain Act.

1. When grain which is required for immediate delivery to ocean steamers is in transit on lines of the Canadian National Railways en route to East Saint John, New Brunswick from elevators on the Georgian Bay and Lake Huron, at Toronto, Ontario and east thereof, the Canadian National Railways may deliver to such ocean steamers from its elevator grain of like quantity, kind and grade.

2. Grain in store in the elevator of the Canadian National Railways at East Saint John, New Brunswick, which is ordered for immediate delivery by the owner of said grain, or his agent, may be delivered in accordance with such order prior to the surrender of elevator receipt or other document covering said grain upon receipt by the Canadian National Railways of a guarantee satisfactory to it that said receipt or other document will be surrendered in due course.

3. Provided that nothing herein contained shall authorize or permit the delivery of grain to ocean steamers for or on behalf of persons who are not the *bona fide* owners of grain of like quantity, kind and grade in transit, said grain being situated within the area described in Paragraph (1) herein.

4. Notwithstanding anything contained in the Board's Regulation No. 2, when any grain is delivered from the elevator of the Canadian National Railways at East Saint John, New Brunswick, under the conditions hereinbefore set forth, the manager or operator for the Canadian National Railways at East Saint John, New Brunswick, shall, within ten working days after the delivery of said grain, forward to the Deputy Registrar of the Board at Montreal, Quebec, for cancellation the appropriate Eastern Warehouse Receipt or Transfer Receipt to cover said deliveries as the case may require.

## REGULATION No. 13

## DELIVERY OF GRAIN TO OCEAN VESSELS AT HALIFAX, N.S.

Subject to the following conditions, for the purpose of ensuring the orderly despatch of grain from the port of Halifax, Nova Scotia, the elevator at that Port, managed and operated by the National Harbours Board, is excepted from the provisions of Sections 103 and 135 of The Canada Grain Act.

1. When grain which is required for immediate delivery to ocean steamers is in transit by rail, en route to Halifax, Nova Scotia, from elevators on the Georgian Bay and Lake Huron, at Toronto, Ontario, and east thereof, the National Harbours Board may deliver to such ocean steamers from its elevator at Halifax, Nova Scotia, grain of like quantity, kind and grade.



**Canada Grain Act—continued**

2. Grain in store in the elevator of the National Harbours Board at Halifax, Nova Scotia, which is ordered for immediate delivery by the owner of said grain or his agent may be delivered in accordance with such order prior to the surrender of the elevator receipts or other documents covering said grain upon receipt by the National Harbours Board of a guarantee satisfactory to it that said receipt or other document will be surrendered in due course.

3. Provided that nothing herein contained shall authorize or permit the delivery of grain to ocean steamers for or on behalf of persons who are not the *bona fide* owners of grain of like quantity, kind and grade in transit, said grain being situated within the area described in Paragraph (1) herein.

4. Notwithstanding anything contained in the Board's Regulation No. 2, when any grain is delivered from the elevator of the National Harbours Board at Halifax, Nova Scotia, under the conditions herein-before set forth, the manager or operator for the National Harbours Board at Halifax, Nova Scotia, shall, within ten working days after the delivery of said grain, forward to the Deputy Registrar of the Board at Montreal Quebec, for cancellation the appropriate Eastern Warehouse Receipt or Transfer Receipt to cover said deliveries as the case may require.

**REGULATION No. 14****ENFORCEMENT OF LIEN BY SALE OF GRAIN**

(1) Licensees of elevators before selling grain in store for the enforcement of liens for charges in arrears for more than one year, under the provisions of subsection three of section eighty-three of The Canada Grain Act shall give written notice of the intention to sell to the last known holder of the elevator or warehouse receipts issued in respect of the said grain.

- (2) The notice shall contain:
  - (a) the kind, quantity and grade of the grain;
  - (b) the name and location of the elevator in which the grain is stored.
  - (c) the date received into store, and the numbers of the elevator or warehouse receipts issued in respect of the said grain.
  - (d) an itemized statement of the charges for handling, storage and carriage, showing the total sum due at the time of the notice.
  - (e) a demand that the total sum due as shown in the notice shall be paid on or before a certain specified date, not less than twenty-one days from the delivery of the notice, if it is personally delivered, or from the time when the notice shall reach its destination according to the due course of mail, if it is sent by mail.
  - (f) a statement that, unless the charges are paid within the time mentioned, the goods will be advertised for sale and sold by public auction on the Winnipeg or Vancouver Grain Exchange at a time and date specified in the notice or if such grain is in a position to be deliverable to the Canadian Wheat Board at a price higher than that currently quoted on the open market, that the grain will be so delivered.



**Canada Grain Act—continued**

(3) Provided the charges specified in the notice are not paid on or before the date specified in paragraph (e) of section two hereof, and that the grain is not delivered to the Canadian Wheat Board at a price higher than that currently quoted on the open market, an advertisement of the sale describing by kind, weight and grade the grain to be sold and stating the name of the last known holder of the elevator or warehouse receipts, with the numbers thereof, issued in respect of the said grain, and the time, date and place of the sale shall be published at least once a week for two consecutive weeks in a newspaper published in the province and circulating in the locality where the sale will be held. The sale shall be held not less than eight days from the date of the first publication of the advertisement.

A copy of the advertisement will be posted in the Grain Exchange in which the sale will be held.

(4) At any time before the grain is sold or delivered to the Canadian Wheat Board as hereinbefore provided, any person who has become a *bona fide* holder of the elevator or warehouse receipts may pay the licensee the amount necessary to satisfy his lien, including the expense incurred in serving notices and advertisement for the sale up to the time of payment, or may order the sale forthwith of said grain on the Winnipeg or Vancouver Grain Exchange or to the Canadian Wheat Board.

(5) One copy of all notices and advertisements issued under this Regulation shall be filed forthwith with the Board of Grain Commissioners for Canada, at its principal office in Winnipeg in the Province of Manitoba.

(6) (a) From the proceeds of the sale the licensee shall satisfy his lien plus the expense incurred in serving notices and advertising, and shall pay over the surplus, if any, to the person entitled thereto, and the licensee shall, when paying over the surplus, deliver to the person to whom he pays it a statement of account showing how the amount has been computed.

(b) If the licensee is unable to locate the person entitled to the surplus moneys available after satisfying his lien, such moneys shall be paid to the Board in trust.

(7) Any notice given under this Regulation shall be given by delivering it to the person to whom it is to be given, or by mailing it in the post office, postage paid and registered, addressed to him at his last known address.

**REGULATION No. 15****DRYING OF GRAIN****1. Definitions:**

(a) Artificial drying shall consist in reducing the moisture content of grain by the use of approved driers.

(b) Natural drying shall consist in reducing the moisture content of tough grain by mixing such tough grain with dry grain of the same grade.

2. The drying of all grain shall be under the supervision of the Chief Grain Inspector.

**Canada Grain Act—continued**

3. Subject to the provisions of the Board's Regulations fixing the maximum tariffs of charges for terminal elevators, all public, semi-public and private terminal elevators and mill elevators in the Western Division may dry grain by natural or artificial means according to the facilities in the elevator.
4. All elevators drying grain shall file weekly with the Statistics Branch of the Board a statement showing the quantities, kind and grade of the grain dried each week by natural and artificial means respectively.

**5. Natural Drying:**

- (a) No shrinkage shall be deducted on grain dried by natural means except the regular terminal elevator shrinkage as specified in the regulations of the Board pertaining to the maximum tariff of charges for terminal elevators.
- (b) When grain has been dried by natural means the operator or manager of the elevator shall make a declaration to the Board's Registrar of the quantity, kind and grade of the grain that has been so dried and surrender for cancellation warehouse receipts for the tough grain and register new warehouse receipts for a like quantity of straight grade grain of the same grade.
- (c) Western wheat graded Tough No. 1 Manitoba Hard, Tough No. 1 No. 1 Manitoba Northern, Tough No. 2 Manitoba Northern, Tough No. 3 Manitoba Northern, Tough No. 1 Canada Western or Tough No. 2 Canada Western Garnet received into any licensed terminal elevator may be binned, as a means of drying, with wheat of the corresponding statutory grade.
- (d) Warehouse receipts for tough wheat binned, as a means of drying, with wheat of the corresponding statutory grade shall be surrendered to the Registrar of Warehouse Receipts for cancellation within forty-eight hours after the time the actual binning takes place, and new warehouse receipts for the statutory grade presented for registration at the same time; provided, however, that if, in the opinion of the Registrar of Warehouse Receipts, the amount of wheat of the statutory grade in store in the elevator is not sufficient to permit of the binning of the tough wheat with the wheat of the statutory grade as a means of drying, cancellation of the registration of the warehouse receipts and registration of new warehouse receipts may always be refused.

**6. Artificial Drying:**

- (a) In drying wheat, oats, barley, rye, corn and flax the maximum temperature of the hot air shall not exceed 180 degrees Fahrenheit.

Provided, however, that in drying barley of the grades of Tough or Damp No. 1 Canada Western Six-row, Tough or Damp No. 2 Canada Western Six-row, Tough or Damp No. 3 Canada Western Six-row, Tough or Damp No. 1 Canada Western Two-row and Tough or Damp No. 2 Canada Western Two-row for promotion to the grades of No. 1 Canada Western Six-row, No. 2 Canada Western Six-row, No. 3 Canada Western Six-row, No. 1 Canada Western Two-row or No. 2 Canada Western Two-row, the maximum temperature of the hot air shall not exceed 110 degrees Fahrenheit.

**Canada Grain Act—continued**

The temperature of the hot air shall be measured with a recording thermometer at a suitable point in the main stream of flow before such air enters the ducts in the grain chamber.

- (b) In drying grain the moisture content of such grain shall not be reduced below the following percentages:

Wheat (except Durum).....	13.5%
Durum Wheat .....	13.8%
Oats .....	13.0%
Barley .....	13.8%
Rye .....	13.0%
Flax .....	9.5%
Corn (except for Extra Dry) .....	14.5%

- (c) In addition to the shrinkage provided for in the regulations of the Board *re* the maximum tariff of charges for terminal elevators, the per cent shrinkage due to loss of moisture in the artificial drying process shall be calculated as follows:

One hundred times the difference between the percent moisture before drying and the percent moisture after drying divided by the difference between 100 and the percent moisture after drying. Such shrinkage shall be calculated on the net weight of the grain after deduction of any dockage assessed by the Board's Inspection Branch.

When a number of carloads of grain are dried together adjustment on account of shrinkage will be calculated for each individual carload.

- (d) The per cent moisture after drying referred to in subsection (c) hereof shall not be less than the percentages specified in subsection (b) of this section.
- (e) The charges for drying grain by artificial means shall not be in excess of the charges provided in the regulations of the Board covering the maximum tariff of charges for terminal elevators.
- (f) All artificially dried grain shall be re-inspected and graded after drying. The grain inspector before assigning a grade to the dried grain may cause to be made such tests as are considered necessary to determine the amount of damage, if any, that may have been caused to the grain in the process of drying.
- (g) When grain has been dried by artificial means the operator or manager of the elevator shall file a declaration with the Registrar of the quantity, kind and grade of the grain that has been so dried and shall surrender for cancellation warehouse receipts for the gross amount of such tough and/or damp grain and register new warehouse receipts for the net amount of dried grain of the grade designated by the Inspection Branch.

**REGULATION No. 16****FEEs**

The following fees shall be payable for the various services performed by the officers and employees of the Board, and shall be paid immediately by the manager or operator of the elevator at which the service is given unless otherwise specified:

Canada Grain Act—continued

(a) WESTERN DIVISION

1. INSPECTION OF GRAIN

(a) *In carload lots:—* Two dollars (\$2.00) per car.

Payable by the railway company in whose possession the grain is at the time of inspection, except that the fees for cars arriving at Vancouver, originating on lines other than the Canadian National or Canadian Pacific Railways, shall be paid by the manager or operator of the elevator at which the grain is unloaded.

Fees for cars ex elevators at Fort William-Port Arthur or Vancouver, B.C., shall be paid by the manager or operator of the elevator loading the grain.

(b) *On Delivery to Vessels or Sacking*  
Bins ..... At the rate of two dollars (\$2.00)  
per thousand (1,000) bushels.

(c) *Off-Grade Grain*, after treatment in public or semi-public terminal elevators for assignment to any statutory or commercial grades.. At the rate of one dollar (\$1.00) per thousand (1,000) bushels.

(d) *For Weighover Purposes* except for the purpose of the annual audit carried out by the Board.. At the rate of one dollar (\$1.00) per thousand (1,000) bushels.

(e) *In Wagon or Truckload Lots* on delivery to or shipment from terminal elevators ..... At the rate of two dollars (\$2.00) per thousand (1,000) bushels with a minimum charge of Fifty Cents (50c) for each certificate issued.

(f) *Unofficial Samples* ..... One dollar (\$1.00) per sample when certificate issued payable at the time of inspection by party requesting certificate.

(g) *Unofficial Samples submitted by Licensees:*

1. One dollar (\$1.00) per sample if certificate issued and fifty cents (50c) per sample if certificate not issued.

2. No charge will be made for samples of grain, except sunflower seed, taken into store at country elevators, subject to inspector's grade and dockage, or special bin grain submitted under the provisions of Regulation No. 18.

3. Samples of sunflower seed taken into store at country elevators subject to inspector's grade and dockage; One dollar (\$1.00) per sample if certificate issued, and fifty cents (50c) per sample if certificate not issued.

Payable by the licensee.

(h) *Transferred from Special Bins* in terminal elevators to general storage or from general storage to special bins ..... At the rate of one dollar (\$1.00) per thousand (1,000) bushels.



**Canada Grain Act—continued****2. WEIGHING OF GRAIN**

- (a) *In Carload Lots* .....One dollar (\$1.00) per car.  
 Payable on cars unloaded at Fort William or Port Arthur by the railway company in whose possession the grain is at the time of inspection. On cars ex elevators at the Head of the Lakes and into and out of elevators at all inspection points west of Fort William, payable by the manager or operator of the elevator at which the grain is weighed.
- (b) *On Delivery to Vessels or Sacking Bins* .....At the rate of one dollar (\$1.00) per thousand (1,000) bushels.
- (c) *Off-Grade Grain* for treatment in public or semi-public terminal elevators for assignment to any statutory or commercial grade....At the rate of fifty cents (50c) per thousand (1,000) bushels.
- (d) *For Weighover Purposes* except for the purpose of the annual audit carried out by the Board.....At the rate of fifty cents (50c) per thousand (1,000) bushels.
- (e) *In Wagon or Truckload Lots* on delivery or shipment from terminal elevators .....At the rate of one dollar (\$1.00) per thousand (1,000) bushels.
- (f) *Transferred From Special Bins* in terminal elevators to general storage or from general storage to special bins .....At the rate of fifty cents (50c) per thousand (1,000) bushels.

**3. REGISTRATION OF WAREHOUSE RECEIPTS**

- (a) *For Registration* .....At the rate of four cents (4c) per thousand (1,000) bushels.
- (b) *For Cancellation of Registration*. At the rate of four cents (4c) per thousand (1,000) bushels.

**4. CONDITION REPORTS** .....Twenty-five cents (25c) per report.

Payable by party requesting report, except for reports issued to railway companies for which there will be no charge.

**5. FORWARDING UNLOAD SAMPLES** for re-inspection or appeal when original grade is upheld on such reinspection or appeal .....Twenty-five cents (25c) per sample.

Payable by the applicant for reinspection or appeal.

**6. INSPECTION AND WEIGHING SERVICE AT PRIVATE TERMINAL AND MILL ELEVATORS**

- (a) At points where inspection and weighing services are maintained by the Board, managers or operators of private terminal and mill

Canada Grain Act—*continued*

elevators requiring regular inspection and weighing service, the fees for which at current carload or vessel rates do not cover the salaries paid by the Board to its employees engaged on this work, shall pay to the Board the difference between the salaries so paid and the total amount of fees collected for such services. Accounts on a fees basis shall be rendered and paid monthly and the excess cost, if any, shall be determined and paid at the end of each fiscal year.

- (b) For casual sampling, inspection and weighing services at private terminal and mill elevators situate at points where inspection and weighing services are maintained by the Board, the managers or operators of such elevators shall pay to the Board whichever is greater during any calendar month:

(a) Two Dollars (\$2.00) per hour for each employee engaged on such work,

or

(b) the fees at current rates.

- (c) At points where inspection and weighing services are not maintained by the Board, managers or operators of private terminal and mill elevators, or other parties requiring regular inspection and weighing services, the fees for which at current carload or vessel rates do not cover the total cost to the Board of providing this service, shall pay to the Board the difference between the total cost of such services and the total amount of fees collected for such services.

Accounts on a fees basis shall be rendered and paid monthly and the excess cost, if any, shall be determined and paid at the end of each fiscal year or when the service is discontinued.

(b) EASTERN DIVISION

Payable by party requesting the service

1. INSPECTION OF GRAIN

- (a) *In Carload Lots* ..... Two dollars (\$2.00) per car.
- (b) *On Delivery to Vessels* ..... At the rate of two dollars (\$2.00)  
per thousand (1,000) bushels.
- (c) *In Wagon or Truckload Lots on*  
*delivery from eastern elevators.*.. At the rate of two dollars (\$2.00)  
per thousand (1,000) bushels.
- (d) *Overages of Grain on Official*  
*Audits* ..... At the rate of one dollar (\$1.00)  
per thousand (1,000) bushels.
- (e) *On any other sample* not herein  
specified when certificate issued.  
Two dollars (\$2.00) per sample.
- (f) *Moisture Tests* when not made as  
part of the official inspection of  
grain ..... One dollar (\$1.00) per sample.

**Canada Grain Act—continued**

- (g) *In Bins or Warehouses in the Chatham, Windsor and London district of Ontario* ..... At the rate of two dollars (\$2.00) per thousand (1,000) bushels with a minimum charge of one dollar (\$1.00).

**2. SAMPLING OF GRAIN**

- (a) *On Vessels for Letters of Condition at points where inspection service is maintained* ..... At the rate of one dollar (\$1.00) per thousand (1,000) bushels.
- (b) *For Sealed or Open Samples for shippers* ..... Two dollars (\$2.00) per hour or part of an hour for each employee of the Board engaged on such work.
- (c) *In Bins or Warehouses* ..... Two dollars (\$2.00) per hour or part of an hour for each employee of the Board engaged on such work with a minimum charge of four dollars (\$4.00) for sampling in the Chatham, Windsor and London district of Ontario if a special trip is necessary to carry out such sampling.
- (d) *At Points Where Inspection Service not Regularly Maintained*... Twelve dollars (\$12.00) per day for each employee of the Board engaged on such work, together with all reasonable travelling and living expenses incurred by the Board in supplying such service.
- (e) *In Carload Lots* ..... One dollar and fifty cents (\$1.50) per car.
- except
1. Cars shipped from elevators operated by National Harbours Board at Montreal.... One dollar (\$1.00) per car.
  2. In the Chatham, Windsor and London district of Ont... Two dollars and fifty cents (\$2.50) per car; a fee of one dollar and fifty cents (\$1.50) will be charged to parties requesting sampling services outside Chatham, Ontario, if cars are not ready for sampling when the grain sampler arrives.

**Canada Grain Act—continued**

**3. WEIGHING OF GRAIN**

- (a) *In Carload Lots* .....Sixty cents (60c) per car.
- (b) *In truckload lots* .....Twenty-five cents (25c) per truck.
- (c) *To or from vessels*.....One dollar (\$1.00) per hour or part of an hour for each employee of the Board employed on such work.
- (d) *Regular Weighing Service at eastern elevators* .....Actual salary paid by Board to Weighman.

**4. REGISTRATION OF WAREHOUSE RECEIPTS**

- (a) *For Registration* .....At the rate of one cent (1c) per thousand (1,000) bushels.
- (b) *For Cancellation of Registration*.At the rate of one cent (1c) per thousand (1,000) bushels.

**(c) GENERAL**

- 1. *Splitting or Consolidating Certificates* .....Ten cents (10c) for each new certificate issued.  
Payable by party requesting new certificates.
- 2. The fees for any service not herein specified will be subject to arrangement with the Board at the time application is made for such service.
- 3. Charges on Mixed Grain will be assessed on the basis of fifty (50) pounds per bushel.
- 4. Fees in respect of inspection, weighing and registration of sunflower seed will be calculated on the basis of thirty thousand (30,000) pounds instead of one thousand (1,000) bushels.
- 5. Fees in respect of inspection, weighing and registration of rape-seed will be calculated on the basis of fifty thousand (50,000) pounds instead of one thousand (1,000) bushels.
- 6. All fees on a bushelage basis will be calculated to the nearest cent.

**REGULATION No. 17**

**RECORDS, REPORTS AND RETURNS**

1. All licensees under The Canada Grain Act shall keep a record, in book form satisfactory to the Board, of all grain delivered to or shipped (or otherwise disposed of) by them, which record shall indicate whether such grain has been purchased, received for storage or received for sale on commission. Such records shall also show the grade of the grain and the dockage therein.

2. All licensees shall report to the Board, in writing the name or names of any and all agents who are authorized to purchase or contract to purchase or handle grain in the name of such licensee, with the date of appointment and location of such agent or agents, and shall also report to the Board, in writing, immediately any agent is released from the service of such licensee, or is transferred from one location to another.



**Canada Grain Act—continued**

3. All licensees shall file with the Board at or before the commencement of each crop year specimens of all tickets, receipts, notes, reports of sale, waivers or other forms to be used by them pursuant to the provisions of The Canada Grain Act or regulations or orders of the Board.

4. All licensees of elevators shall file with the Board at or before the commencement of each crop year a schedule of charges to be made at each elevator operated by such licensee.

5. All licensed grain dealers, track buyers and commission merchants shall submit to the Board weekly or at such other times as may be directed by the Board, on forms supplied by the Board, a report of the total amount of grain contracted for, purchased or received for sale on commission, as the case may be, and the value of the grain for which settlement in full has not been made to the shippers.

6. All licensees of private terminal elevators and mill elevators shall submit to the Board weekly, or at such other times as may be directed by the Board, on forms supplied by the Board, a report of the total amount and value of the grain purchased on open sale contracts, or otherwise, for which settlement in full has not been made to the shipper.

7. All licensees of public and semi-public terminal elevators shall submit to the Board weekly, on days to be specified by the Statistician to the Board, in duplicate, on forms supplied by the Board, a return showing the quantities of each kind of grain by individual grades, received and shipped during the week and the balance remaining in store at the end of the week.

8. All licensees of private terminal elevators shall submit to the Board weekly, on forms supplied by the Board, a return showing the quantities of each kind and grade of grain received, shipped or milled during the week and the amount in store at the commencement and close of the week.

9. All licensees of country elevators shall submit to the Board weekly, on forms supplied by the Board, a return by Provinces showing the total quantities of each kind of grain received, shipped (or otherwise disposed of) and the balance in store at all their elevators in each different Province.

10. All licensees of country elevators shall submit to the Board, not later than the 31st of October in each year, a return for each elevator operated, on forms supplied by the Board, showing the total gross and net receipts, shipments and stocks in store of each kind of grain, the total amount of each kind of grain cleaned and the total amount of screenings removed from each kind of grain so cleaned, and the total amount of such screenings returned to the owners during the crop year ended the previous 31st of July, together with a summary statement of total net receipts, shipments and stocks in store by principal grades.

11. All licensees of Eastern elevators shall submit to the Board daily, on forms supplied by the Board, a return showing in detail the quantities of each kind and grade of grain received and the quantities of each kind and grade of grain shipped, milled (or otherwise disposed of) and the disposition thereof.

12. All licensees of Eastern elevators shall also submit to the Board a carbon copy of the weekly statement of stocks in store submitted by such licensees to the Dominion Bureau of Statistics, Ottawa. Separate returns shall be made for Canadian and foreign grain and such weekly returns shall be mailed to the Board's Statistician on the working day next following the date of the cut-off.

**Canada Grain Act—continued**

13. All licensees of mill elevators shall submit to the Board, not later than the 7th of each month or such other date as may be specified by the Board from time to time, on forms supplied by the Board, a return showing the total quantities of each kind of grain received, shipped and milled (or otherwise disposed of) during the previous calendar month and the amounts in store at the end of such calendar month.

14. All licensees of mill elevators at Vancouver, New Westminster and Marpole, British Columbia, or at any other neighbouring point which may be designated from time to time, shall submit daily to the Board's Grain Inspector at Vancouver, British Columbia, a return on forms provided by the Board showing all receipts of grain and screenings and the disposition thereof.

15. All licensees of country elevators, licensed grain dealers, track buyers and commission merchants shall submit to the Board weekly, or as directed, a return showing the quantities of each kind of grain handled by them, by provinces, which represent loadings by producers into railway cars from loading platforms.

16. All returns submitted in accordance with this Regulation shall be in the form of a statutory declaration and shall be signed as follows:

(a) If submitted by a Firm:

By a member of the Firm as listed in its application for a licence;

(b) If submitted by a Corporation:

By one of the officers of the Corporation as listed in its application for a licence, or other official duly authorized by by-law or minute of the Corporation.

**REGULATION No. 18**

**PROCEDURE—COUNTRY ELEVATORS**

*General*

1. The manager or operator of a country elevator shall keep posted in a conspicuous place in the driveway to the elevator:—

- (a) the licence to operate the elevator;
- (b) the current maximum tariff of charges and shrinkage allowances;
- (c) all existing regulations for country elevators issued by the Board of Grain Commissioners;
- (d) a diagram of a scale not less than one-half inch to one foot, showing the location and numbers of the several bins in such elevator.

and shall always keep available in a conspicuous place, for reference by any person or persons so desiring, a copy of the official handbook issued by the Board on the "Sale and Handling of Grain through a Country Elevator".

Licences which have expired and tariffs of charges and regulations of the Board which have been cancelled or superseded by later regulations will be destroyed.

2. In shipping or delivering any grain stored in a country elevator, the net weight on the elevator receipt or receipts shall be final, unless investigation by the Board shows reason to the contrary. The shipper will be paid in case of short shipment up to the amount of his or her elevator receipt or receipts for the full billing capacity of the car, at the same price as the car was disposed of.

**Canada Grain Act—continued**

3. The owner of the grain can only demand the quantity that the elevator receipt or receipts call for.

4. In case of dispute as to the weighing accuracy of the receiving scales, it shall be incumbent upon the manager or operator of the elevator to prove that the scales are weighing accurately.

5. All shipping bills for grain shipped through an elevator shall be made out by the manager or operator of the elevator and the manager or operator shall advise such parties as the owner may instruct.

6. The manager or operator of a country elevator loading grain into a railway car supplied on the application of any person or persons other than the said manager or operator shall not load into such car any grain other than the grain, or a like quantity, kind and grade, delivered by such person or persons.

7. The owner of grain in an elevator, wishing such grain shipped to any point other than a terminal point, or to a point where Government weights cannot be obtained, must accept the elevator weights at the shipping point as final unless it is proved that the shipping weights are not correct. Provided, however, that the owner of the grain can always demand from the manager or operator of the elevator and the receiver of said grain respectively, an affidavit as to the actual grain shipped and delivered.

8. No manager or operator of a country elevator or warehouse shall sell, assign, mortgage, pledge or hypothecate any grain stored in such elevator or warehouse and for which elevator receipts are outstanding and the manager or operator may be required by the Board to produce at any time proper registered warehouse receipts or bills of lading for all grain that has been shipped from the country elevator or warehouse, and for which elevator receipts are still outstanding.

9. No licence will be granted for the operation of any country elevator, the operator of which is subject to a shortage bond. In the event of a shortage bond being entered into after the licence has been granted, such licence will be subject to immediate cancellation.

10. When grain is stored in a public country elevator for cleaning, under Section 113 of The Canada Grain Act, until such time as it can be cleaned, the manager or operator of the elevator shall issue therefor a Special Bin Elevator Receipt (Form No. 1) Schedule 3 of The Canada Grain Act, surcharged:

“To be Cleaned Before Being Shipped or Settled For and No Shrinkage to be Deducted until the Surrender of This Receipt.”

After the grain is cleaned, such receipt shall be surrendered by the holder thereof to the manager or operator who shall then issue such receipt or receipts as may be requested or as the circumstances determine.

Provided, however, that in respect of grain delivered to a country elevator for cleaning and return to the owner, the operator or manager may issue, in lieu of the Special Bin Elevator Receipt herein referred to, a receipt in the form set forth in Schedule A attached hereto.

*Tests for Moisture*

11. When it is desired that an official test be made as to the moisture content of any grain, a sample not less than eight ounces in weight must be



**Canada Grain Act—continued**

forwarded in a metal air-tight container to the Chief Inspector or the Inspector in charge of any inspection point. This sample will be placed in the air-tight container immediately the sample is taken from the bulk of the grain which the sample represents.

*Special Bin or Subject to Grade and Dockage Grain or where there is Disagreement as to Grade and Dockage*

12. The elevator receipt or receipts issued where there is a disagreement as to grade and dockage or where grain has been received subject to inspector's grade and dockage must have incorporated thereon at the time of issue the grade offered to the owner of the grain by the manager or operator of the elevator.

*Drawing of Samples*

13. In the case of grain where special bin elevator receipts, interim elevator receipts or interim cash purchase tickets are issued, a proper sample must be drawn from each load by the manager or operator of the elevator at the time of delivery, in the presence of the party delivering same, and such sample must be drawn satisfactorily to both the deliverer and the manager or operator, and all such samples must be placed in a suitable receptacle satisfactory to the Board, and must be properly mixed in such receptacle. The receptacle shall be provided by the manager or operator of the elevator and the sample shall be placed therein in the presence of the owner. The receptacle shall be secured by padlock which the owner of the grain shall provide, and the key of which he shall retain.

The receptacle or receptacles shall, after being locked by the owner of the grain, be kept by the manager or operator of the elevator in a locked cabinet or storeroom, the key of which shall be kept by the manager or operator.

*Forwarding for Inspection Samples of Subject to Grade and Dockage Grain*

14. A fair and proper sample of at least two pounds in weight shall be drawn in the presence of the owner of the grain from the receptacle and forwarded jointly within three days by the owner of the grain and the manager or operator of the country elevator, in a suitable container, properly tied and sealed and marked "Subject to Inspector's Grade and Dockage", to the Chief Grain Inspector or the Inspector in charge of any inspection point, and shall be accompanied by a request in writing of either or both parties aforesaid that the Chief Inspector or the Inspector in charge of the inspection point will examine the sample and report on the grade and dockage that the grain is, in his opinion, entitled to and would receive if shipped to a terminal point and subjected to an official inspection.

On receipt of samples of grain from the manager or operator of a country elevator, or the owner of the grain, with advice as to the names of the elevator and of the owner of the grain and that such grain has been received at the elevator subject to inspector's grade and dockage, the Chief Inspector or the Inspector in charge of any inspection point shall, as soon as practical, examine such sample or samples of grain and shall make out, in writing, a statement of his decision and shall transmit a copy thereof by mail to each of the parties concerned, preserving the original, together with the sample on file in his office.

The decision of the Chief Inspector in such cases shall be final.

After receiving the Inspector's decision showing the grade and dockage, the manager or operator of the elevator in the case of interim cash tickets shall issue in lieu thereof an ordinary cash purchase ticket on the basis



**Canada Grain Act**—*continued*

of the grade and dockage given by the Chief Inspector or the Inspector in charge of the inspection point and in the case of Interim Elevator receipts shall issue ordinary elevator receipts showing the grade and dockage as given by the Chief Inspector or the Inspector in charge of the inspection point, for the full amount of grain so taken into store, such ordinary elevator receipts to bear the same date as the original interim elevator receipt, after which the grain shall be subject to the rules and regulations covering graded stored grain.

15. At the time of delivery of any grain where an interim elevator receipt or interim cash purchase ticket is being issued and it is agreed upon by the owner of the grain and the manager or operator of the elevator that the grain is tough or damp, and the manager or operator marks such ticket or tickets, "out of condition, tough or damp", then whatever grade such sample may receive from the Chief Inspector or the Inspector in charge of the inspection point, it will still grade "tough or damp".

*Submission of Samples of Special Bin Grain for Examination  
by Chief Inspector*

16. On the request made to the manager or operator of a country elevator within fifteen (15) days after the receipt of the inspection certificate covering a shipment from a country elevator of special bin grain, by the owner of the grain or his agent who considers that the grade placed on his grain is not satisfactory, or who considers that the identity of his grain has not been preserved, both parties thereupon shall forward, charges prepaid and properly sealed, to the Chief Inspector, the receptacle containing the sample taken at the time of the receipt of the grain in the country elevator. The receptacle shall be plainly marked "special bin grain". The owner of the grain shall forward, under separate cover to the Chief Inspector, the key of the lock placed on the receptacle. The manager or operator of the elevator shall inform the Chief Inspector by letter that the sample is being forwarded and shall request him to compare the sample forwarded with the sample taken by the Inspection Department from the car at the time of inspection and to state whether, in his opinion, the identity of the grain has been preserved.

The Chief Inspector shall compare the two samples of grain and advise the manager or operator of the elevator and the owner of the grain of his opinion as to whether or not the identity of the grain has been preserved. In cases where the Chief Inspector is of the opinion that the identity has not been preserved, he shall inform the parties concerned of the grade of the sample forwarded from the elevator.

If, after the receipt of this advice from the Chief Inspector, the owner of the grain and the manager or operator of the elevator cannot come to an amicable settlement, a complaint shall be made to the Board by either of the parties concerned and the Board shall make an order for settlement.

The Chief Inspector shall preserve both the elevator sample and the sample drawn at the time of inspection for such period of time as he considers necessary and convenient.

*Receipt of Wheat from Railway Cars*

17. Managers or operators of country elevators desirous of receiving wheat into such elevators from railway cars for seed grain or feed distribution or for the conservation of storage shall submit to the Board application in writing setting forth the following information:

**Canada Grain Act—continued**

- (a) Name of point at which elevator is located
- (b) Name of line of railway on which situated
- (c) Number of carloads of wheat to be received
- (d) Name of point or points from which such wheat will be shipped, names of lines of railway on which such points are situated and number of carloads to be shipped from each point
- (e) Purpose for which such wheat is to be received

18. Permission under subsection 1 of Section 58 of The Canada Grain Act to railway companies to deliver any wheat to any country elevator shall be in writing and shall contain the information given by licensees under Section 17 hereof.

19. Grain shall not be treated with mercurial dust in any part of the elevator except in an annex specially provided for that purpose. Such annex shall not be equipped in any way with spouts to permit of the grain in the annex being returned to other parts of the elevator. The grain will be discharged direct from this annex to a wagon or other conveyance. The annex shall not be used for any purpose except the treatment of grain.

Mercurial dust or mixtures thereof shall not be stored in the elevator except in the annex referred to herein.

*Dockage on Cash or Stored Grain*

20. No elevator shall take a greater dockage than that shown, by a proper test over a Number Ten Sieve, except where the grain contains foreign grain or seeds which cannot be taken out by a Number Ten Sieve.

Every elevator must be equipped with the necessary sieves and scales for making proper tests and the elevator operator must make the test in the presence of the owner of the grain when requested.

*General*

21. When tough, damp or wet grain is taken into store it shall be at the owner's risk and the elevator operator shall have the right to ship it immediately to a terminal elevator for treatment.

All tough, damp or wet grain containing an excessive amount of snow and ice may be handled subject to agreement between the owner of the grain and the operator.

Canada Grain Act—continued

Schedule attached to Regulation No. 18

Cleaning Receipt

SCALE RECORD		
Gross weight.....lbs.		
Wagon weight.....lbs.		
Grain unloaded.....lbs.		

GROSS GRAIN WEIGHT		KIND OF GRAIN	GRADE
Bushels	Lbs.		

To be cleaned and the cleaned grain and screenings to be re-delivered to the owner.

	Bushels	Lbs.
Grain unloaded.....		
Screenings removed.....		
Cleaned grain.....		

(Place)..... (Date).....19.....

(Name of Licensee)..... No.....

RECEIVED this day from.....

Gross grain weight (in words).....

By Elevator Agent.....

Charges for receiving, handling, cleaning and redelivery of the said grain including insurance against loss by fire.....c  
per Gross Bushel— \$.....

Deposit with Payor—Deposit Number.....

Deducted from Cash Ticket Number.....

I hereby certify that I have received  
Cleaned grain.....Bus. ....Lbs.  
Screenings.....Lbs.

CLEANING RECEIPT  
Owner's signature.....





**Canada Grain Act—continued**

- (b) Receiving from cars, elevating, weighing and delivering to vessels or cars, storing and insurance against fire for the first ten days:

One and three-quarters cents ( $1\frac{3}{4}$ c) per bushel

- (c) Receiving from wagons or trucks, elevating, weighing and delivering to vessels or cars, storing and insurance against fire for the first ten days:

Two cents (2c) per bushel

2. *Storage* (including insurance against fire):

- (a) For each succeeding day or part thereof after the first ten days:

One-twenty-fifth of one cent ( $1/25$ c) per bushel

- (b) Except that on all grain unloaded each year between the 1st of January and the 31st of March, both dates inclusive, there shall be fifteen days free storage.

## SECTION "B"

### UPPER ST. LAWRENCE GROUP

(PORT COLBORNE, PRESCOTT, KINGSTON AND HUMBERSTONE)

1. *Elevation*

- (a) Receiving from vessels, including shovelling, elevating, weighing, storing and insurance against fire for the first ten days:

\$5.50 per thousand (1,000) bushels (single-deck vessels)

\$6.75 per thousand (1,000) bushels (double-deck vessels)

- (b) Receiving from cars, including elevating, weighing, storing and insurance against fire for the first ten days:

One and one-quarter cents ( $1\frac{1}{4}$ c) per bushel

- (c) Discharging to vessels, including elevating, weighing and trimming:

\$3.75 per thousand (1,000) bushels

- (d) Discharging to cars, including elevating, weighing and delivery to the car:

One and one-quarter cents ( $1\frac{1}{4}$ c) per bushel

2. *Storage* (including insurance against fire):

- (a) For each succeeding day or part thereof after the first ten days:

One-twenty-fifth of one cent ( $1/25$ c) per bushel

- (b) Except that on all grain unloaded each year between the 1st of January and the 31st of March both dates inclusive, there shall be fifteen days of free storage.

**Canada Grain Act—continued**

SECTION "C"

LOWER ST. LAWRENCE GROUP

(MONTREAL, QUEBEC, SOREL AND THREE RIVERS)

1. *Elevation*

- (a) Receiving from canal or lake vessels, including shovelling, elevating, weighing, storing and insurance against fire for the first ten days:  
 \$8.00 per thousand (1,000) bushels (single-deck vessels)  
 \$9.25 per thousand (1,000) bushels (double-deck vessels)
- (b) Receiving from ocean vessels, including shovelling, elevating, weighing, storing and insurance against fire for the first ten days:  
 \$10.00 per thousand (1,000) bushels
- (c) Receiving from railway cars, wagons or trucks, including elevating, weighing, storing and insurance against fire for the first ten days:  
 \$8.00 per thousand (1,000) bushels
- (d) Discharging to vessels, railway cars, wagons or trucks, including elevating and weighing:  
 \$5.75 per thousand (1,000) bushels

2. *Storage* (including insurance against fire):

For each succeeding day or part thereof one twenty-fifth of one cent (1/25c) per bushel per day except that after the 1st of December when charges at regular rates for storage amount to three cents (3c) per bushel, no further charge shall be made until 1st of May in the following year.

SECTION "D"

ATLANTIC PORTS

(SAINT JOHN, N.B. AND HALIFAX, N.S.)

1. *Elevation*

Receiving, elevating, weighing, delivering, storing and insurance against fire for the first ten days:

1.375c per bushel

2. *Storage* (including insurance against fire):

For each succeeding day or part thereof after the first ten days, one twenty-fifth of one cent (1/25c) per bushel, except that on export grain held in storage after May 1, the total subsequent storage charges shall not exceed three cents (3c) per bushel up to and including November 30 in the same year.

Canada Grain Act—continued

SECTION "E"

GENERAL

- 1. *Shovelling* grain on vessels (when inclusive charge not made):  
\$4.00 per thousand (1,000) bushels, except on double-deck vessels when the charge shall not exceed \$6.00 per thousand (1,000) bushels.
- 2. *Turning* (each operation):  
Two-fifths of one cent (2/5c) per bushel
- 3. *Cleaning* (each operation):  
One cent (1c) per bushel
- 4. *Bulkheading* or separating, and less than carload shipments:  
One-half cent (½c) per bushel in addition to usual elevation charge exclusive of cost of material required for bulkheading and separating.
- 5. *Sacking*:  
Three cents (3c) per bushel (Owners of grain to supply sacks).
- 6. *Drying* (except salvage grain):  
Fifty Dollars (\$50.00) per thousand (1,000) bushels. Charges for drying salvage grain, handling ground grain and grinding shall be subject to special arrangements to be made by the owner or shipper of the grain with the manager or operator of the elevator.
- 7. *Conditioning* by cold blast treatment:  
One cent (1c) per bushel
- 8. Elevation and drying charges shall be computed on the weight of the grain as taken into the elevator. Storage shall be assessed on the weight after drying, loss of weight in drying to be borne by the owner of the grain.
- 9. Service required after the usual working hours on week days and on Sundays and legal holidays shall be subject to special charges to be arranged between the manager or operator of the elevator and the owner or shipper of the grain.
- 10. The rates per bushel shall be assessed on the following weights:

	lbs.
Wheat .....	60
Oats .....	34
Oats (U.S. origin) .....	32
Barley .....	48
Corn .....	56
Flax .....	56
Rye .....	56
Oat Scalpings .....	34
Screenings .....	48
Buckwheat .....	48
All other grains (unless otherwise agreed upon) .....	60

**Canada Grain Act—continued**

11. Tariffs of charges lower than the maximum charges specified herein may be filed with the Board by the manager or operator of any eastern elevator but such lower charges shall apply to all grain received at such elevator during the crop year for which such tariffs of charges are filed.

REGULATION No. 21

MAXIMUM TARIFF OF CHARGES AND SHRINKAGE ALLOWANCE,  
COUNTRY ELEVATORS

Under the provisions of The Canada Grain Act and subject to the capacity of the elevator and the nature of the construction, grain shall be received into licensed country elevators upon the following conditions, and subject to charges not in excess of those specified herein:

1. *Elevation*

Receiving, elevating, spouting, storing and insurance against fire for the first fifteen days, and delivering into railway cars or other conveyances:

Wheat, Barley, Rye and Corn—Two and one-half cents ( $2\frac{1}{2}$ c) per bushel.

Oats—Two cents (2c.) per bushel.

Flax—Four and one-half cents ( $4\frac{1}{2}$ c.) per bushel.

Sunflower Seed—Six cents (6c) per hundred (100) pounds.

2. *Storage* (including insurance against fire):

For each succeeding day or part thereof after the first fifteen days:

All grain except Sunflower Seed—One twenty-fifth of one cent ( $1/25$ c.) per bushel.

Sunflower Seed—One fifteenth of one cent ( $1/15$ c) per hundred (100) pounds.

3. *Cleaning*

The charge for cleaning grain shall be mutually agreed upon by the elevator operator and the owner of the grain according to the nature of the dockage, but in no case shall exceed two cents (2c.) per bushel.

4. *Basis of Charges*

All charges shall be based upon the *Gross Grain Weight* of the grain delivered, as shown on the receipt or ticket issued in respect of the grain.

Storage charges on *Special Bin Grain* shall be charged after fifteen days from delivery of each individual load, in accordance with the contract set forth on the special bin elevator receipt shown in Schedule 3 of The Canada Grain Act.

5. *Unspecified Grain*

Other grain not specified herein shall only be received, stored and treated subject to special charges to be agreed upon at the time, and approved by the Board.



**Canada Grain Act—continued****6. Allowance for Invisible Loss and Shrinkage**

All grain delivered to country elevators shall be subject to a deduction from the gross weight to cover invisible loss and shrinkage in handling not in excess of the weight in pounds set forth in the shrinkage table hereunder:

*Shrinkage Table*

GROSS GRAIN WEIGHT In Pounds	SHRINKAGE ALLOWANCE IN POUNDS				
	All Grain Except Flax			Flax	
	Straight Grade	Tough	Damp	Straight Grade	Tough or Damp
Up to and including..... 1,500...	5	10	10	10	20
Over 1,500 lbs. but not more than 2,500...		15	20	20	40
Over 2,500 " " " 3,500...	10	25	30	30	60
Over 3,500 " " " 4,500...		30	40	40	80
Over 4,500 " " " 5,500...	15	40	50	50	100
Over 5,500 " " " 6,500...		45	60	60	120
Over 6,500 " " " 7,500...	20	55	70	70	140
Over 7,500 " " " 8,500...		60	80	80	160
Over 8,500 " " " 9,500...	25	70	90	90	180
Over 9,500 " " " 10,500...		75	100	100	200
Over 10,500 " " " 11,500...	30	85	110	110	220
Over 11,500 " " " 12,500...		90	120	120	240
Over 12,500 " " " 13,500...	35	100	130	130	260
Over 13,500 " " " 14,500...		105	140	140	280
Over 14,500 " " " 15,500...	40	115	150	150	300
Over 15,500 " " " 16,500...		120	160	160	320
Over 16,500 " " " 17,500...	45	130	170	170	340
Over 17,500 " " " 18,500...		135	180	180	360
Over 18,500 " " " 19,500...	50	145	190	190	380
Over 19,500 " " " 20,500...		150	200	200	400

**REGULATION No. 22****MAXIMUM TARIFF OF CHARGES—TERMINAL ELEVATORS**

Under the provisions of The Canada Grain Act and subject to the capacity of the elevator and the nature of its equipment, grain shall be received at terminal elevators, upon the following conditions and subject to charges not in excess of those specified herein.

**SECTION "A"****FORT WILLIAM, PORT ARTHUR AND WINNIPEG****1. Elevation**

Receiving, elevating, shipping, storing and insurance against fire for the first ten days:

- (a) Wheat, Oats, Barley and Corn—Two cents (2c) per bushel;
- (b) Rye—Two and one-half cents (2½c) per bushel;

**Canada Grain Act—continued**

- (c) Flax—Three and one-half cents ( $3\frac{1}{2}c$ ) per bushel;
- (d) Mixed Grain (handled as mixtures)—Three and one-half cents ( $3\frac{1}{2}c$ ) per hundred (100) pounds;
- (e) Screenings—Four and one-half cents ( $4\frac{1}{2}c$ ) per hundred (100) pounds;
- (f) Sunflower Seed—Four Cents (4c) per hundred (100) pounds;

Except that all grain shipped from terminal elevators in railway cars shall be subject to an additional charge of one-half of one cent ( $\frac{1}{2}c$ ) per bushel.

Tough, damp, condemned, heating, heated or fireburnt grain may always be refused. If received and stored it shall be at the owner's risk of deterioration. All damp grain and tough flax shall be dried without notice as soon after unloading as facilities will permit.

**2. Storage (including insurance against fire):**

For each succeeding day or part thereof after the first ten days:

- (a) Wheat, Oats, Barley, Rye, Flax and Corn—One twenty-fifth of one cent ( $1/25c$ ) per bushel;
- (b) Mixed Grain (handled as mixtures)—Two thirtieths of one cent ( $2/30c$ ) per hundred (100) pounds;
- (c) Screenings—One tenth of one cent ( $1/10c$ ) per hundred (100) pounds.
- (d) Sunflower Seed—One fifteenth of one cent ( $1/15c$ ) per hundred (100) pounds.

**SECTION "B"**

**WEST OF CALGARY, ALBERTA**

**1. Elevation**

Receiving, elevating, shipping, storing and insurance against fire for the first ten days:

- (a) Wheat, Oats, Barley and Corn—Two cents (2c) per bushel;
- (b) Rye—Two and one-half cents ( $2\frac{1}{2}c$ ) per bushel;
- (c) Flax—Three and one-half cents ( $3\frac{1}{2}c$ ) per bushel;
- (d) Mixed Grain (handled as mixtures)—Three and one-half cents ( $3\frac{1}{2}c$ ) per hundred (100) pounds;
- (e) Screenings—Four and one-half cents ( $4\frac{1}{2}c$ ) per hundred (100) pounds;
- (f) Sunflower Seed—Four cents (4c) per hundred (100) pounds;

Except that all grain shipped from terminal elevators in railway cars shall be subject to an additional charge of one-half of one cent ( $\frac{1}{2}c$ ) per bushel.

Tough, damp, condemned, heating, heated or fireburnt grain may always be refused. If received and stored it shall be at the owner's risk of deterioration. All damp grain and tough flax shall be dried without notice as soon after unloading as facilities will permit.

**2. Storage (including insurance against fire):**

For each succeeding day or part thereof after the first ten days:

- (a) Wheat, Oats, Barley, Rye, Flax and Corn—One twenty-fifth of one cent ( $1/25c$ ) per bushel;

**Canada Grain Act—continued**

- (b) Mixed Grain (handled as mixtures)—Two thirtieths of one cent (2/30c) per hundred (100) pounds;
- (c) Screenings—One tenth of one cent (1/10c) per hundred (100) pounds;
- (d) Sunflower Seed—One fifteenth of one cent (1/15c) per hundred (100) pounds;

## SECTION "C"

## GOVERNMENT INTERIOR TERMINAL ELEVATORS

1. *Elevation*

Receiving from railway cars, elevating, shipping, storing and insurance against fire for the first ten days:

- (a) Wheat, Oats, Barley, Rye and Corn—One cent (1c) per bushel;
- (b) Flax—Two cents (2c) per bushel;
- (c) Mixed Grain (handled as mixtures)—Two cents (2c) per hundred (100) pounds;
- (d) Screenings—Three Cents (3c) per hundred (100) pounds;
- (e) Sunflower Seed—Four cents (4c) per hundred (100) pounds;

Receiving from wagons or trucks, elevating, shipping, storing and insurance against fire for the first ten days:

All Grain—One and one-half cents (1½c) per bushel.

Tough, damp, wet, condemned, heating, heated or fireburnt grain may always be refused. If received and stored it shall be at the owner's risk of deterioration. All damp grain and tough flax shall be dried without notice as soon after unloading as facilities will permit.

2. *Storage* (including insurance against fire):

For each succeeding day or part thereof after the first ten days:

- (a) Wheat, Oats, Barley, Rye, Corn and Flax—One thirtieth of one cent (1/30c) per bushel;
- (b) Mixed Grain (handled as mixtures)—Two thirtieths of one cent (2/30c) per hundred (100) pounds;
- (c) Screenings—One tenth of one cent (1/10c) per hundred (100) pounds.
- (d) Sunflower Seed—One fifteenth of one cent (1/15c) per hundred (100) pounds.

3. *Special Cleaning*

For removal of material other than assessed dockage, at request of owner:

One-half cent per bushel in addition to charges under Part "E" General, Section 1. Returns for such cleaning to be based on actual results after cleaning and deduction for actual invisible loss.

Canada Grain Act—continued

SECTION "D"

CHURCHILL, MANITOBA

1. *Elevation*

Receiving, elevating, shipping, storing and insurance against fire for the first eight days:

- (a) Wheat, Oats and Barley—Two cents (2c) per bushel.
- (b) Rye—Two and one-half cents ( $2\frac{1}{2}$ c) per bushel.
- (c) Flax—Three and one-half cents ( $3\frac{1}{2}$ c) per bushel.
- (d) Mixed Grain (handled as mixtures)—Three and one-half cents ( $3\frac{1}{2}$ c) per hundred (100) lbs.
- (e) Screenings—Four and one-half cents ( $4\frac{1}{2}$ c) per hundred (100) lbs.

Tough, damp, condemned, heating, heated or fireburnt grain may always be refused. If received and stored it shall be at the owner's risk of deterioration. All damp grain and tough flax shall be dried without notice as soon after unloading as facilities will permit.

2. *Storage* (including insurance against fire):

For each succeeding day or part thereof after the first eight days:

(a) *Wheat, Oats, Barley, Rye and Flax*

From August 1st to October 8th inclusive in each year—One twenty-fifth of one cent ( $1/25$ c) per bushel.

From October 9th to 31st July in the following year, inclusive—One ninetieth of one cent ( $1/90$ c) per bushel.

Except that on grain in store on the Ninth day of October in any year and grain delivered between the Ninth Day of October and the Thirtieth Day of November in the same year, both dates inclusive, the total storage charge from such dates up to and including the Thirty-first Day of August in the following year shall be one cent (1c) per bushel.

- (b) Mixed Grain (handled as mixtures)—Two thirtieths of one cent ( $2/30$ c) per hundred (100) lbs.
- (c) Screenings—One tenth of one cent ( $1/10$ c) per hundred (100) lbs.

SECTION "E"

GENERAL

1. *Cleaning*

1. For removal of dockage (other than grain for which a return is made):

(a) *Wheat and Oats*

Containing less than 3 per cent dockage—No charge.

containing from 3 per cent to 5 per cent dockage—One-half cent ( $\frac{1}{2}$ c) per bushel.

containing from  $5\frac{1}{2}$  per cent to 10 per cent dockage—One cent (1c) per bushel.

containing more than 10 per cent dockage—One and one-half cents ( $1\frac{1}{2}$ c) per bushel.



**Canada Grain Act—continued**(b) *Barley*

containing less than  $5\frac{1}{2}$  per cent dockage—One-half cent ( $\frac{1}{2}$ c) per bushel.

containing from  $5\frac{1}{2}$  per cent to 10 per cent dockage—One cent (1c) per bushel.

containing more than 10 per cent dockage—One and one-half cents ( $1\frac{1}{2}$ c) per bushel.

(c) *Rye*

containing less than 3 per cent dockage—No charge.

containing from 3 per cent to 5 per cent dockage—One cent (1c) per bushel.

containing from  $5\frac{1}{2}$  per cent to 10 per cent dockage—One and one-half cents ( $1\frac{1}{2}$ c) per bushel.

containing more than 10 per cent dockage—Two cents (2c) per bushel.

(d) *Flax*

containing less than  $5\frac{1}{2}$  per cent dockage—No charge.

containing from  $5\frac{1}{2}$  per cent to 10 per cent dockage—Two cents (2c) per bushel.

containing more than 10 per cent dockage—Two and one-half cents ( $2\frac{1}{2}$ c) per bushel.

(e) *Sunflower Seed*

containing less than  $5\frac{1}{2}$  per cent dockage—No charge.

containing from  $5\frac{1}{2}$  per cent to 10 per cent dockage—Three cents (3c) per hundred (100) lbs.

containing more than 10 per cent dockage—Four cents (4c) per hundred (100) lbs.

- (2) For removal of other grain, except mixed feed oats, from grain carrying a return for such other grain (c.c. cars) in addition to charges, if any, under subsection 1 hereof:

*All Grain*

containing not more than 10 per cent other grain—Three cents (3c) per hundred (100) lbs.

containing more than 10 per cent but not more than 15 per cent other grain—Four cents (4c) per hundred (100) lbs.

containing more than 15 per cent of other grain—Five cents (5c) per hundred (100) lbs.

- (3) For removal of mixed feed oats from wheat carrying a return of mixed feed oats—One-half cent ( $\frac{1}{2}$ c) per bushel in addition to charges under subsection 1(a) hereof.

**2. Returns for Dockage**(a) *Wheat*

On shipments assessed dockage of three per cent (3%) or more, a return for all such screenings, less one-half of one per cent ( $\frac{1}{2}$ %) of the gross weight of the shipment for waste shall be made to the shipper.

Separate returns shall be made for other grain or mixed feed oats (wild oats) in shipments designated "clean till clean" on account of containing two and one-half per cent ( $2\frac{1}{2}$ %) or more oats; three per cent (3%) or more flax; three and one-half per cent ( $3\frac{1}{2}$ %) or more mixed feed oats or five per cent (5%) or more broken wheat.

**Canada Grain Act—continued**

On shipments which are designated "clean till clean" for mixed feed oats (wild oats) a deduction of one-half of one per cent ( $\frac{1}{2}\%$ ) of the gross weight of the shipment for waste shall be deducted from the return for the mixed feed oats.

(b) *Oats*

On shipments assessed dockage of three per cent (3%) or more a return for all such screenings less one-half of one per cent ( $\frac{1}{2}\%$ ) of the gross weight of the shipment for waste shall be made to the shipper. A separate return shall be made for flax in shipments designated "clean till clean" on account of containing three per cent (3%) or more of flax.

(c) *Barley*

On shipments assessed dockage a return for all such screenings less one-half of one per cent ( $\frac{1}{2}\%$ ) of the gross weight of the shipment for waste shall be made to the shipper. A separate return shall be made for flax in shipments designated "clean till clean" on account of containing three per cent (3%) or more of flax.

(d) *Rye*

On shipments assessed dockage of three per cent (3%) or more a return for all such screenings less one per cent (1%) of the gross weight of the shipment for waste shall be made to the shipper.

Separate returns shall be made for other grain in shipments designated "clean till clean" on account of containing two and one-half per cent ( $2\frac{1}{2}\%$ ) or more oats; three per cent (3%) or more flax, or five per cent (5%) or more broken rye.

(e) *Flax*

On shipments assessed dockage of five and one-half per cent ( $5\frac{1}{2}\%$ ) or more, a return for all such screenings less two and one-half per cent ( $2\frac{1}{2}\%$ ) of the gross weight of the shipment for waste shall be made to the shipper.

Separate returns shall be made for other grains or mixtures of grains in shipments designated "clean till clean" on account of containing two and one-half per cent ( $2\frac{1}{2}\%$ ) or more of other grains or mixtures of grains.

(f) *Sunflower Seed*

On shipments assessed dockage of five and one-half per cent ( $5\frac{1}{2}\%$ ) or more a return for all such screenings less one per cent (1%) of the gross weight of the shipment for waste shall be made to the shipper.

Separate returns shall be made for the grain or mixtures of grain in shipments designated "clean till clean" on account of containing two and one-half per cent ( $2\frac{1}{2}\%$ ) or more of other grains or mixtures of grains.

(g) *Quality of Screenings*

The holder of warehouse receipts or shut-outs covering dockage shall be entitled to receive the average quality of screenings in accordance with sample tests which shall be made in such manner as shall be determined by the Inspection Branch.

**Canada Grain Act—continued***(h) Disposition of Screenings*

If instructions for the disposition of screenings covered by outstanding returns are not received within thirty days from the date of unloading, such screenings may be disposed of for account of whom it may concern.

**3. Special Separations**

Separations of mixed grain or straight grade grain to improve grade—Five Cents (5c) per hundred (100) pounds computed on gross weight of car.

On all such separations a deduction of one per cent (1%) of the gross weight shall be made to cover invisible loss in separation, except in cases where the inspection certificate issued in respect of such grain before separation does not specify the actual percentages of domestic grain or dirt to be removed, when settlement shall be made on the basis of the actual net weights after the separation.

**4. Drying***(a) All Grain except Sunflower Seed*

Tough—Three cents (3c) per bushel.

Damp or Wet—Five cents (5c) per bushel.

*(b) Sunflower Seed*

Tough—Ten cents (10c) per hundred (100) lbs.

Damp—Fifteen cents (15c) per hundred (100) lbs.

Moist and Wet—Twenty Cents (20c) per hundred (100) lbs.

**5. Bulkheads**

For removal and additional expense in handling and unloading car—Five Dollars (\$5.00) per bulkhead.

**6. Sacked Grain**

For unloading—Five cents (5c) per sack.

**7. Sacking***(a) For sacking grain:*

One and one-half cents ( $1\frac{1}{2}$ c) per bushel on sacks not exceeding 125 pounds per sack.

Two cents (2c) per bushel on sacks not exceeding 160 pounds per sack.

Two and one-half cents ( $2\frac{1}{2}$ c) per bushel on sacks not exceeding 220 pounds per sack.

For double sacking:

One cent (1c) per sack in addition to above charges.

*(b) For sacking Screenings:*

Ten Cents (10c) per sack.

Sacking of screenings shall only be carried out at the discretion of the licensee.

*(c) Sacks and twine to be furnished by the shipper or supplied at his expense.*

For machine sewing, one-half of one cent ( $\frac{1}{2}$ c) shall be charged for twine.

*(d) Stencilling:*

One-half of one cent ( $\frac{1}{2}$ c) per sack; stencil to be supplied by the shipper.

**8. Preparing Cars for Loading**

Eight Dollars (\$8.00) per car when paper is used.

**Canada Grain Act—continued**

**9. Basis of Charges**

Charges for cleaning, drying or other treatment shall be computed on gross weight of the shipment.

Charges for elevation and storage shall be computed on net weight of grain received.

Charges accruing after issuance of initial completed out-turn and expense bill shall follow the grain.

All charges must be paid before grain is shipped.

**10. Allowance for Invisible Loss and Shrinkage**

(a) All grain delivered to terminal elevators in railway cars shall be subject to a deduction from the gross weight of the car to cover invisible loss and shrinkage in handling as follows:

Wheat .....	30 pounds per car
Oats, Barley and Mixed Grain ....	50 pounds per car
Corn .....	56 pounds per car
Rye .....	70 pounds per car
Flax .....	120 pounds per car
Sunflower Seed .....	50 pounds per car

(b) All grain delivered to terminal elevators by wagons or trucks shall be subject to a deduction from the gross weight to cover invisible loss and shrinkage in handling not in excess of the weight in pounds set forth in the shrinkage table hereunder, except that the deduction on tough, damp or wet grain shall not be in excess of double the allowance set forth in the aforesaid shrinkage table.

*Shrinkage Table*

GROSS GRAIN WEIGHT In Pounds	SHRINKAGE ALLOWANCE IN POUNDS				
	All Grain Except Flax			Flax	
	Straight Grade	Tough	Damp	Straight Grade	Tough or Damp
Up to and including..... 1,500...	5	10	10	10	20
Over 1,500 lbs. but not more than 2,500...		15	20	20	40
Over 2,500 " " " 3,500...	10	25	30	30	60
Over 3,500 " " " 4,500...		30	40	40	80
Over 4,500 " " " 5,500...	15	40	50	50	100
Over 5,500 " " " 6,500...		45	60	60	120
Over 6,500 " " " 7,500...	20	55	70	70	140
Over 7,500 " " " 8,500...		60	80	80	160
Over 8,500 " " " 9,500...	25	70	90	90	180
Over 9,500 " " " 10,500...		75	100	100	200
Over 10,500 " " " 11,500...	30	85	110	110	220
Over 11,500 " " " 12,500...		90	120	120	240
Over 12,500 " " " 13,500...	35	100	130	130	260
Over 13,500 " " " 14,500...		105	140	140	280
Over 14,500 " " " 15,500...	40	115	150	150	300
Over 15,500 " " " 16,500...		120	160	160	320
Over 16,500 " " " 17,500...	45	130	170	170	340
Over 17,500 " " " 18,500...		135	180	180	360
Over 18,500 " " " 19,500...	50	145	190	190	380
Over 19,500 " " " 20,500...		150	200	200	400



**Canada Grain Act—continued****11. Unspecified Grain**

Salvaged or other unspecified grain shall only be received, stored and treated subject to special charges to be agreed upon at the time, subject to the approval of the Board.

12. Service required after the usual working hours on week days and on Sundays and legal holidays shall be subject to special charges to be arranged between the manager or operator of the elevator and the owner or shipper of the grain.

13. Tariffs of charges lower than the maximum charges specified herein may be filed with the Board by the manager or operator of any terminal elevator but such lower charges shall apply, subject to the provisions of Section 134 of The Canada Grain Act, to all grain received at such elevator during the crop year for which such tariffs of charges are filed.

**REGULATION No. 23****APPLICATIONS FOR LICENCES****AND****TERMS AND CONDITIONS UNDER WHICH LICENCES ARE GRANTED***Applications for Licences*

Applications for licences under the provisions of The Canada Grain Act shall be made over statutory declaration on special forms provided by the Board of Grain Commissioners, and shall specify the following information:—

**1. ALL APPLICATIONS**

The kind of licence desired

The crop year

The full trade name of the applicant

The head office address of the applicant

If an individual, the Christian names in full

If a partnership, the full name of each member of the firm

If a corporation, the names of the President, Vice-President, Secretary, Treasurer and General Manager

**2. ALL ELEVATOR APPLICATIONS**

The information specified in paragraph 1 hereof

The location of the elevator

The railway serving the elevator

Whether or not grain can be received directly from or discharged directly into railway cars or vessels

Type of construction of the elevator and all attached annexes

Date of construction of the elevator and all attached annexes

The grain storage capacity of the elevator and all attached annexes

Whether annexes are permanent or temporary structures

Name of owner of the elevator

**Canada Grain Act—continued**

If applicant is not the owner, the date of leasing the building  
 Name of licensee who operated elevator the previous crop year  
 Date of purchase  
 Kind of power operating elevator machinery.  
 Whether or not equipped with cleaning machinery for wheat and flax  
 Capacity per hour of cleaners, if any  
 Number, capacity, kind and maker's name of all receiving and shipping  
 scales  
 Date scale equipment last verified by Weights and Measures officials  
 How grain is transferred from elevator to annex and from annex to  
 elevator

**3. TERMINAL, MILL AND EASTERN ELEVATOR APPLICATIONS**

The information specified in paragraphs 1 and 2 hereof  
 Whether or not the elevator is equipped with machinery for the drying  
 of grain  
 The capacity per hour, for tough grain, of the drying equipment  
 The name of the Superintendent of the elevator

**4. COUNTRY ELEVATOR APPLICATIONS**

The information specified in paragraphs 1 and 2 hereof  
 Whether or not machinery can clean grain before weighing  
 Whether or not the receiving scales are arranged so as to weigh grain  
 within full view of the party delivering the grain  
 Whether or not the annex (or annexes) is properly roofed and floored  
 and provides safe storage for grain

**5. PUBLIC COUNTRY ELEVATOR APPLICATIONS**

The information specified in paragraphs 1, 2 and 4 hereof  
 The tariff of charges for receiving, storing, shipping and handling grain  
 Whether or not the elevator operator is subject to a grain shortage  
 bond

**6. PRIVATE COUNTRY ELEVATOR APPLICATIONS**

The information specified in paragraphs 1, 2 and 4 hereof  
 The number of public country elevators in operation at the point  
 where elevator is located

**7. TRACK BUYER'S, GRAIN COMMISSION MERCHANT'S AND GRAIN DEALER'S APPLICATIONS**

The information specified in paragraph 1 hereof  
 The maximum amount due at any one time during the previous crop  
 year for grain handled or purchased  
 The total amount of business transacted during the previous crop  
 year, by grains, cars, bushels and value

*Terms and Conditions Under Which Licences Issued*

In addition to the provisions of The Canada Grain Act and the regulations and orders made thereunder, the applicant undertakes to comply with the following conditions:—

1. All grain received for storage at any licensed elevator shall be stored in the building, or buildings, described in the application for licence and not otherwise.

**Canada Grain Act—concluded**

2. Licences may not be transferred from one manager to another without the express permission of the Board.
3. If an operator of any licensed elevator is convicted or proved guilty by the Board of Grain Commissioners or by any Court of competent jurisdiction of an offence under The Canada Grain Act or the regulations and orders made thereunder, such operator may be dismissed and shall not be re-employed in any licensed elevator without permission, in writing, of the Board; and the Board may refuse to license any elevator at which such an operator is employed.

**GRAIN CARGOES, LOADING AND CARRIAGE OF**

*See SHIPPING (Canada Shipping Act, 1934).*

**GRAIN FUTURES ACT, 1939. (1939, c. 31)**

No statutory orders or regulations have been made under this statute.

**GRAINS AND MILLFEEDS, WESTERN, FREIGHT ASSISTANCE ON****Regulations respecting the payment of freight assistance on  
western grains and millfeeds shipped into Eastern  
Canada and British Columbia**

P.C. 5434

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS it is deemed desirable to amend and consolidate the regulations respecting the payment of freight assistance on western grains and millfeeds shipped into eastern Canada and the province of British Columbia.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture, is pleased to order as follows:

1. The regulations respecting the payment of freight assistance on western grains and millfeeds, established by Order in Council P.C. 1515 of 8th April, 1948, as amended, are hereby revoked; and
2. The annexed "Regulations respecting the Payment of Freight Assistance on Western Grains and Millfeeds shipped into Eastern Canada and the Province of British Columbia" are hereby made and established, in substitution for the regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**Grains and Millfeeds, Western, Freight Assistance on—continued**

EASTERN CANADA

The Minister of Agriculture is authorized to pay freight assistance

(1) On Western Wheat, Oats, Barley, Rye, whole or ground, Wheat Bran, Wheat Shorts, Wheat Middlings, No. 1 Feed Screenings or No. 2 Feed Screenings, shipped or transported by rail or boat from Port Arthur, Fort William or Armstrong, Ontario, to destinations in Canada east thereof and distributed for use exclusively as feed in Canada for Canadian livestock or poultry;

(2) On Wheat Bran, Wheat Shorts and Wheat Middlings milled in Western Canada, or milled in Eastern Canada from Western Wheat shipped or transported from Port Arthur, Fort William or Armstrong, Ontario, to port elevators or flour mills in Canada east thereof when such Bran, Shorts or Middlings are distributed from the manufacturing mill for use exclusively as feed in Canada for Canadian livestock or poultry;

Provided that such assistance shall be paid as follows:

(a) On all rail shipments from Fort William, Port Arthur or Armstrong, the payment shall be the sum of \$6.00 per ton when the destination is within the Montreal Freight Rate Zone, and the sum of \$6.00 per ton plus the remainder of the actual through carlot rail freight charges to destinations beyond the Montreal Freight Rate Zone, and the actual carlot rail freight charges, but not exceeding \$6.00 per ton, to destinations in Northern Ontario to which the local freight rate is less than the Montreal Zone freight rate:

(b) On water shipments from Fort William or Port Arthur to Eastern Lake and River Ports (excepting Montreal and Eastward) when no further rail haul is involved payment shall be made as follows:

(1) All Georgian Bay Ports, Goderich, Sarnia and Walkerville .....	\$3.50 per ton
(2) Port Colborne and Humberstone .....	\$4.10 per ton
(3) Toronto .....	\$4.30 per ton
(4) Kingston .....	\$4.50 per ton
(5) Prescott .....	\$4.65 per ton

(c) On water shipments from Fort William or Port Arthur to ports designated in paragraph (b) when distribution is made to inland destinations by rail, payment shall be made on basis of the amount payable at each port plus the actual ex-water rail freight charges to destinations within the Montreal Freight Rate Zone but not to exceed \$6.00 per ton, and when the destination is beyond the Montreal Freight Rate Zone payment shall be made on the same basis as designated in paragraph (a) of this Order.

(d) On water shipments from Fort William or Port Arthur to Montreal and ports east thereof payment shall be the sum of \$6.00 per ton when the destination is within the Montreal Freight Rate Zone and \$6.00 per ton plus the remainder of the actual through carlot rail freight rate from Fort William, Port Arthur or Armstrong to destinations beyond the Montreal Zone.



**Grains and Millfeeds, Western, Freight Assistance on—concluded**

Provided that, on all grains and feeds shipped and distributed in accordance with the provisions hereof, evidence satisfactory to the Minister is produced to show that the sale price to consumers of such products has been reduced by and takes into account the payment of freight charges as herein prescribed.

**BRITISH COLUMBIA**

The Minister of Agriculture is hereby authorized to pay the carlot short line rail freight charges from Calgary, Edmonton or other points in the Province of Alberta from which the direct carlot rail freight rates to destination in British Columbia do not exceed the carlot rail freight rates by the direct short line route from Edmonton or Calgary, whichever is the lower, to such destinations and to pay the coastal waters freight charges based on carlot ratings from any coastal port in the Province of British Columbia to any coastal point therein, as herein prescribed, effective April 8, 1948:

(1) On Western Wheat, Oats, Barley, Rye, No. 1 Feed Screenings or No. 2 Feed Screenings, whole or ground, Wheat Bran, Wheat Shorts or Wheat Middlings, shipped from points of origin in the Province of Alberta, Saskatchewan or Manitoba and in that part of British Columbia known as the Peace River District, to destinations in British Columbia and distributed for use exclusively as feed in British Columbia for Canadian livestock or poultry; provided that when the freight rates shown in Canadian Freight Association Tariff, No. 145 can be applied, they must be used.

(2) On Wheat Bran, Wheat Shorts and Wheat Middlings milled in British Columbia from Western Wheat shipped or transported from points of origin in the Province of Alberta, Saskatchewan or Manitoba and in that part of British Columbia known as the Peace River District, payment to be made under conditions similar to those covered by Section (1).

(3) On Corn shipped from points in the Province of Manitoba as named in Canadian Freight Association Tariff, No. 145 to Vancouver or intermediate points in the direct line of transit, a sum not exceeding \$6.00 per ton from Edmonton or Calgary to such destination will be paid; provided that if the destination is not on the direct line of transit to Vancouver, or if the actual charges are less than \$6.00 per ton, the actual rail freight charges will be paid on the basis of Edmonton or Calgary rates.

(4) When Wheat, shipped into British Columbia terminal elevators by The Canadian Wheat Board is re-shipped for use as feed for livestock or poultry in British Columbia, carlot rail freight charges will be paid from point of origin;

Provided that, on all grains and millfeeds shipped and distributed in accordance with the provisions hereof, evidence satisfactory to the Minister is produced to show that the sale price to the consumer has been reduced by and takes into account the full payment of such freight assistance as herein prescribed.

**HARBOURS**

*See* GOVERNMENT HARBOURS AND PIERS ACT; NATIONAL HARBOURS BOARD ACT; SHIPPING.

**HAY AND STRAW INSPECTION ACT, 1933. (1933, c. 26)**

**The Hay and Straw Inspection Regulations**

DEPARTMENT OF AGRICULTURE

UNDER AND BY VIRTUE of the authority conferred upon me by The Hay and Straw Inspection Act, 1933, I hereby rescind all Regulations made under the said Act and substitute the following therefor:

JAMES G. GARDINER,  
*Minister of Agriculture.*

Ottawa, February 23, 1949.

THE HAY AND STRAW INSPECTION REGULATIONS

**1.** In these Regulations,

- (a) "Act" means The Hay and Straw Inspection Act, 1933;
- (b) "Plant Products Division" means the Plant Products Division of the Production Service, Department of Agriculture, Ottawa;
- (c) "Inspector" means any person authorized to make inspections and to issue inspection certificates under the provisions of the Act.

**2.** (1) The prescribed standards of class, quality and condition for hay and straw are as set forth in the Schedule and when hay or straw of any of the classes specified therein is inspected and certified pursuant to these Regulations, such hay or straw shall be described in the certificate of inspection in accordance with the standards set forth in the Schedule.

(2) Where an inspection is made of any hay or straw which is not included in the Schedule, an inspector may issue a certificate of inspection describing, as accurately as it may be possible for him so to do, the class, quality and condition of the hay or straw.

**3.** The prescribed charges for the inspection of hay and straw are:

- (a) twenty-five cents per ton plus the travelling and other expenses of the inspector actually incurred in making any inspection at a place or locality other than his local headquarters; or
- (b) such charges as the Plant Products Division and other interested parties may jointly agree upon for any particular inspection or inspections.

SCHEDULE

**1. Definitions**

In this Schedule,

- (a) "Hay" means the harvested, cured, unthreshed herbage of those kinds of forage plants which have recognized feeding value and are acceptable to Plant Products Division; and that

**Hay and Straw Inspection Act—continued**

- (i) meets the class, mixture, grade, colour and other requirements as prescribed in the following tables;
- (ii) contains not more than thirty-five per cent of foreign material; and
- (iii) is not coarse or woody;
- (b) "Foreign material" means:
  - (i) mature chess (*Bromus secalinus*), mature green or yellow foxtail (*Setaria viridis* and *S. lutescens*), spear grass (*Stipa* spp.), wire grass (*Aristida* spp.), wild barley (*Hordeum jubatum*, *H. murinum*, *H. pusillum*) and other weeds;
  - (ii) such sedges, rushes and other plants which are coarse and woody or otherwise unsuitable for feed; and
  - (iii) ripe grain hay, grain straw, grain or grass stubble, chaff, corn-stalks and other objectionable matter which may be present naturally in hay;
- (c) "Injurious foreign material" includes sand burs, poisonous plants, harsh awned grasses such as mature wild barley and spear grass and other material which may be injurious when fed to livestock;
- (d) "Clover" means red clover, alsike clover or white clover or a mixture thereof;
- (e) Other grasses may include such cultivated and wild grasses, sedges and rushes as may be present naturally in meadows, and may include not more than ten per cent (of the total hay) of grain hay cut before maturity;
- (f) Other legumes may include such cultivated and wild legumes as may be present naturally in meadows.

**2. Percentage Determinations**

For the purpose of this Schedule, percentages shall be determined in accordance with the following:

- (a) The percentage of mixtures and foreign material is based on the percentage by weight of the total hay;
- (b) (i) the percentage of green colour is based upon colour determinations determined by the method prescribed by Plant Products Division and expressed as "Per cent green"; and
  - (ii) computed as a percentage of the green colour present in hay which has not been discoloured by maturity, sun bleach, dew, rain or other damage;
- (c) the percentage of leafiness of alfalfa is based on the percentage by weight of the total alfalfa;
- (d) the percentage of coarse alfalfa hay is based on a count of the plants which are oversize at a point approximately two inches from the cut end of the stem.

**3. The grade designation shall indicate successively in the order named,**

- (a) the number of the grade or the words "Sample grade" as the case may be,
- (b) any special grade that may apply, and
- (c) the class of hay (e.g. "No. 1 timothy hay", "No. 2 extra green timothy light clover mixed hay").

**Hay and Straw Inspection Act—continued**

**GROUP No. 1**

Timothy, Clover and Dyke Hay

**TABLE No. 1—Classification**

Class	Mixture percentages
Timothy.....	Timothy with not over 10 per cent clover.
Timothy Light Clover Mixed.....	A mixture of timothy and clover with over 10 per cent but not over 30 per cent clover.
Timothy Medium Clover Mixed.....	A mixture of timothy and clover with over 30 per cent but not over 50 per cent clover.
Timothy Light Grass Mixed.....	A mixture of timothy and other grasses with over 10 per cent but not over 30 per cent other grasses and not over 10 per cent clover.
Timothy Heavy Grass Mixed.....	A mixture of timothy and other grasses with over 30 per cent but not over 60 per cent other grasses and not over 10 per cent clover.
Timothy Light Alfalfa Mixed.....	A mixture of timothy and alfalfa with over 10 per cent but not over 30 per cent alfalfa.
Clover.....	Clover with not over 20 per cent timothy and/or other grasses.
Clover Light Timothy Mixed.....	A mixture of clover and timothy with over 50 per cent clover and over 20 per cent timothy.

**NOTE:—**

1. Dyke hay is a mixture of timothy and couchgrass (quack grass) grown on land reclaimed from tidal water. When dyke hay is to be classified, the word "Dyke" shall be substituted for the word "Timothy" in the above table.
2. Timothy may include not over 10% (of the total hay) of other grasses, except in the classes "timothy light grass mixed" and "timothy heavy grass mixed".
3. Clover or alfalfa may include not over 10% (of the total hay) of other legumes.

**TABLE No. 2—Grade Requirements**

Grade	Per cent green colour	Maximum per cent foreign material
No. 1.....	45 or more.....	10
No. 2.....	30 or more.....	15
No. 3.....	Less than 30, except when graded No. 3 on account of foreign material.	20
Sample....	Hay which contains more than 20% but less than 35% foreign material, or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly stained, badly weathered, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.	

**NOTE:** Hay that is stained shall not be graded Extra green, Green, No. 1 or No. 2.



**Hay and Straw Inspection Act—continued****SPECIAL GRADES**

*Extra green.*—Hay of any of the classes listed in Table No. 1, which has 60% or more green colour, shall have the words “extra green” included in and made a part of the grade designation. E.g., “No. 1 extra green timothy”, “No. 3 extra green clover light timothy mixed”, “Sample grade extra green clover”.

*Green.*—Hay of grade No. 2, No. 3 or Sample grade of any of the classes listed in Table No. 1, which has 45% or more but less than 60% green colour, shall have the word “green” included in and made a part of the grade designation. E.g. “No. 2 green timothy”.

*Stemmy.*—Hay of any grade of the classes Clover and Clover light timothy mixed listed in Table No. 1, in which the leaves and blossoms of the clover constitute less than 20% of the total weight of the clover, shall have the word “stemmy” included in and made a part of the grade designation. E.g., “No. 2 stemmy clover”.

**GROUP No. 2****Alfalfa and Alfalfa Mixed Hay****TABLE No. 3—Classification**

Class	Mixture Percentages
Alfalfa.....	Alfalfa with not over 5 per cent grasses.
Alfalfa Light Grass Mixed.....	A mixture of alfalfa and grasses with over 5 per cent but not over 20 per cent grasses.
Alfalfa Heavy Grass Mixed.....	A mixture of alfalfa and grasses with over 20 per cent but not over 60 per cent grasses.
Alfalfa Light Timothy Mixed.....	A mixture of alfalfa and timothy with over 5 per cent but not over 30 per cent timothy.
Alfalfa Heavy Timothy Mixed.....	A mixture of alfalfa and timothy with over 30 per cent alfalfa and over 30 per cent timothy.
Alfalfa Clover Mixed.....	A mixture of alfalfa and clover with over 10 per cent but not over 50 per cent clover and not over 10 per cent grasses.
Alfalfa Light Grain Mixed.....	A mixture of alfalfa and grain hay with over 5 per cent but not over 20 per cent grain hay.
Alfalfa Heavy Grain Mixed.....	A mixture of alfalfa and grain hay with over 40 per cent alfalfa and over 20 per cent grain hay.

**NOTE:**

1. Alfalfa may include not over 10% (of the total hay) of other legumes, except in the class “alfalfa clover mixed”.
2. Timothy or grain hay may include not over 10% (of the total hay) of other grasses.

**Hay and Straw Inspection Act—continued**

TABLE NO. 4—Grade Requirements

Grades applicable to the classes Alfalfa, Alfalfa Light Timothy Mixed, Alfalfa Light Grass Mixed, Alfalfa Clover Mixed and Alfalfa Light Grain Mixed.

Grade	Leafiness of Alfalfa (Per cent leaves)	Per cent green colour	Maximum per cent foreign material
No. 1.....	40 or more.....	60 or more.....	5
No. 2.....	25 or more.....	35 or more.....	10
No. 3.....	Less than 25, except when graded No. 3 on account of any other factor.	Less than 35, except when graded No. 3 on account of any other factor.	15
Sample.....	Hay which contains more than 15% but less than 35% of foreign material or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly weathered, badly frosted, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.		

NOTE:—Hay in which a majority of the alfalfa stalks bear brown and/or black seed pods shall not be graded No. 1 or be assigned any special grade except “Coarse”.

TABLE NO. 5—Grade Requirements

Grades applicable to the classes Alfalfa heavy timothy mixed,  
Alfalfa heavy grass mixed and Alfalfa heavy grain mixed.

Grade	Per cent green colour	Maximum per cent foreign material
No. 1.....	60 or more.....	5
No. 2.....	35 or more.....	10
No. 3.....	Less than 35, except when graded No. 3 on account of foreign material.	15
Sample....	Hay which contains more than 15% but less than 35% of foreign material, or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly weathered, badly frosted, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.	

NOTE:—Hay in which the majority of the alfalfa stalks bear brown and/or black seed pods shall not be graded No. 1 or be assigned any special grade except “Coarse”.

**Hay and Straw Inspection Act—continued****SPECIAL GRADES**

*Extra leafy.*—Hay of any grade of the classes listed in Table No. 4, and in which the leafiness of the alfalfa is 50% or more, with most of the leaves clinging, shall have the words "Extra leafy" included in and made a part of the grade designation. E.g., "No. 1 extra leafy alfalfa", "No. 3 extra leafy alfalfa light grass mixed", "Sample grade extra leafy alfalfa clover mixed".

*Leafy.*—Hay of the grades No. 2, No. 3 and Sample grade of the classes listed in Table No. 4, and in which the leafiness of the alfalfa is 40% or more, shall have the word "Leafy" included in and made a part of the grade designation. E.g., "No. 2 leafy extra green alfalfa".

*Extra green.*—Hay of any grade of the classes listed in Table No. 4 and Table No. 5, which has 75% or more green colour, shall have the words "Extra green" included in and made a part of the grade designation. E.g., "No. 1 extra green alfalfa".

*Green.*—Hay of the grades No. 2, No. 3 and Sample grade of the classes listed in Table No. 4 and Table No. 5, which has 60% or more but less than 75% green colour, shall have the word "green" included in and made a part of the grade designation. E.g., "Sample grade green alfalfa".

*Coarse.*—Hay of any grade of the classes listed in Table No. 4 and Table No. 5, in which the alfalfa stalks are hard and round, and in which more than 30% of the alfalfa stalks have diameters equal to or greater than the standard gauge of No. 11 steel wire (approximately 12/100 inch), shall have the word "Coarse" included in and made a part of the grade designation. E.g., "No. 2 coarse alfalfa".

**GROUP No. 3****GRASS HAY**

Grass hay is hay of the cultivated and/or wild grasses other than timothy, upland, midland and slough prairie grasses, millet and grain cut for hay, and shall include hay containing more than 60% of grasses, sedges and/or rushes.

**TABLE No. 6—Grade Requirements**

Grade	Per cent green colour	Maximum per cent foreign material
No. 1.....	50 or more.....	10
No. 2.....	35 or more.....	15
No. 3.....	Less than 35, except when graded No. 3 on account of foreign material.	20
Sample....	Hay which contains more than 20% but less than 35% foreign material, or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly weathered, badly frosted, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.	

**NOTE:—**

1. Hay that is stained shall not be graded Extra green, green, No. 1 or No. 2.
2. Grade designations for grass hay shall include, after the words "grass hay" either the common names of the several kinds of grasses, sedges, rushes and legumes, which constitute more than 10% of the mixture listed in order of predominance or such local trade names as will identify the kinds of such constituents.

# Hay and Straw Inspection Act—continued

## SPECIAL GRADES

*Extra green.*—Grass hay of any grade listed in Table No. 6, which has 65% or more green colour, shall have the words “Extra green” included in and made a part of the grade designation. E.g., “No. 3 extra green grass hay, redtop and bluegrass”.

*Green.*—Grass hay of the grades No. 2, No. 3 and Sample grade listed in Table No. 6, which has 50% or more but less than 65% green colour, shall have the word “Green” included in and made a part of the grade designation. E.g., “No. 2 green grass hay, redtop”.

## GROUP No. 4

### MIXED HAY

1. The class “Mixed Hay” shall include any mixture of hay which contains 50% or more of timothy, clover and/or grasses in Group No. 1, Group No. 2 and Group No. 3, but which are not classified in Table No. 1, Table No. 3 or Table No. 6.
2. (1) Mixed Hay shall be graded according to the requirements and definitions for the kind of hay that predominates in the mixture, except that all numerical and special grade specifications pertaining to leafiness, stemminess and coarseness shall be disregarded.  
(2) The grade designation for Mixed Hay shall include successively, in the order named:  
(a) No. 1, No. 2, No. 3 or sample Grade as the case may be, and any special grade that may apply;  
(b) the words “Mixed Hay”, and  
(c) the name and approximate percentage of each kind of hay which constitutes more than 10% of the mixture listed in order of predominance.

## GROUP No. 5

### PRAIRIE HAY AND GRAIN HAY

1. Upland hay (Prairie wool) is hay of the fine textured short grasses that grow commonly on the drier Canadian upland virgin prairie areas.
2. Midland hay is hay of the taller growing species, exclusive of coarse slough grasses, that grow commonly on the more moist Canadian upland virgin prairie areas.
3. Slough hay is hay of the relatively coarse stemmed species of grasses, sedges and/or rushes which grow on lowland virgin prairie areas which are flooded for at least a portion of the growing season.



**Hay and Straw Inspection Act—continued**

TABLE NO. 7—Classification of Prairie Hay

Class of Hay	Mixture Percentages
Upland prairie (Prairie wool).....	Upland grasses with not over 10 per cent midland and/or other grasses.
Midland prairie.....	Midland grasses or a mixture of midland and upland grasses with over 40 per cent midland grasses.
Slough.....	Slough grasses or a mixture of slough and other grasses with over 40 per cent slough grass.
Upland-midland prairie mixed.....	A mixture of upland and midland prairie grasses with over 10 per cent but not over 40 per cent midland grasses.
Midland-slough prairie mixed.....	A mixture of slough and other prairie grasses with over 10 per cent but not over 40 per cent slough grasses.

TABLE NO. 8—Grade Requirements of Prairie Hay.

Grade	Per cent green colour	Maximum per cent foreign material
No. 1.....	45 or more.....	10
No. 2.....	30 or more.....	15
No. 3.....	Less than 30, except when graded No. 3 on account of foreign material.	20
Sample....	Hay which contains more than 20% but less than 35% foreign material, or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly stained, badly weathered, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.	

**Hay and Straw Inspection Act—continued**

TABLE No. 9—Classification of Grain Hay

Class of Hay	Mixture percentages
Oat hay.....	Oat hay with not over 10 per cent legumes and not over 10 per cent other grains.
Wheat hay.....	Wheat hay with not over 10 per cent legumes and not over 10 per cent other grains.
Barley hay.....	Barley hay with not over 10 per cent legumes and not over 10 per cent other grains.
Oat light legume mixed.....	A mixture of oat hay and legumes with over 10 per cent legumes.
Wheat light legume mixed.....	A mixture of wheat hay and legumes with over 10 per cent legumes.
Barley light legume mixed.....	A mixture of barley hay and legumes with over 10 per cent legumes.

TABLE No. 10—Grade Requirements

Applicable to Oat hay, Barley hay, Oat light legume mixed hay, Barley light legume mixed hay and Mixed grain hay.

Grade	Maturity	Colour	Maximum per cent foreign material
No. 1.....	The grain shall have been cut in the dough stage and shall contain partly formed kernels and "filled" grain with little or no shattering of kernels.	Natural green to yellowish green or greenish yellow. Bright.	5
No. 2.....	The grain shall have been cut in the dough stage or before and shall contain partly formed kernels and "filled" grain with little or no shattering of kernels.	Green to yellowish green or yellow with traces of green. May be slightly discoloured or slightly weathered.	10
No. 3.....	May be fully mature.....	Yellow. May be discoloured, weathered or stained.	15
Sample.....	Hay which contains more than 15% but less than 35% foreign material, or more than a trace of injurious foreign material, or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly stained, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.		

**Hay and Straw Inspection Act—continued**

TABLE NO. 11.—Grade Requirements

Applicable to Wheat hay and Wheat light legume mixed hay.

Grade	Maturity	Colour	Maximum per cent foreign material
No. 1.....	The grain shall have been cut in the milk stage or before, and may contain small, shrivelled kernels and a little "filled" grain.	Natural green to yellowish green. Bright.	5
No. 2.....	The grain shall have been cut in the early dough stage or before, and may contain partly-formed kernels and some "filled" grain, but such "filled" grain shall not predominate.	Yellowish green to yellow with traces of green. May be slightly discoloured or slightly weathered.	10
No. 3.....	May be fully mature.....	Yellow to greenish yellow with many brown leaves. May be discoloured, weathered or stained.	15
Sample.....	Hay which contains more than 15% but less than 35% foreign material, or more than a trace of injurious foreign material or which has any objectionable odour, or which is undercured, heating, hot, wet, musty, mouldy, caked, badly broken, badly stained, badly over-ripe or very dusty, or which is otherwise of distinctly low quality.		

## GROUP No. 6

## STRAW

- (1) "Straw" is the remnants of wheat, oat, barley and rye crops from which the grain has been threshed, and may include not more than 10% (of the total straw) of grasses that are not coarse and woody.
- (2) Chaff is shattered glumes, and also all pieces of straw not over four inches in length.
- (3) Foreign material is all material other than straw, except grasses that are not coarse and woody.
- (4) Percentages of chaff and foreign material shall be based upon percentages by weight of the total straw.
- (5) The Grade designation shall indicate successively in the order named:
  - (a) the number of the grade or the words "Sample grade", as the case may be;
  - (b) any special grade that may apply;
  - (c) the kind or kinds of straw. E.g., "No. 1 wheat straw", "Sample grade chaffy oat straw".

# Hay and Straw Inspection Act—concluded

TABLE NO. 12

Grades applicable to Straw.

Grade	Colour	Maximum per cent	
		Foreign material	chaff
No. 1.....	Bright. May be slightly discoloured by rain, dew or other damage.	10	35
No. 2.....	Moderately discoloured, weathered or stained..	10	35
Sample.....	Straw which contains more than 10% of foreign material, or more than 35% chaff, or which is heating, hot, wet, musty, mouldy, caked, badly stained, badly weathered, or very dusty, or which is otherwise of distinctly low quality.		

## SPECIAL GRADES

*Straight rye straw.*—Rye straw of any grade, which is straight and not tangled from threshing and which has been pressed into large box-pressed bales, shall have the word "Straight" included in and made a part of the grade designation. E.g., "No. 1 straight rye straw", "Sample grade straight rye straw (mouldy)".

*Long rye straw.*—Rye straw of any grade, which is straight and not tangled from threshing and which has been pressed into perpetual-pressed bales, shall have the word "Long" included in and made a part of the grade designation. E.g., "No. 1 long rye straw".

*Chaffy straw.*—Straw of any grade, which contains more than 35% chaff shall have the word "Chaffy" included in and made a part of the grade designation. E.g., "No. 1 chaffy oat straw", "Sample grade chaffy barley straw".

## HEALTH AND WELFARE

*See* DEPARTMENT OF NATIONAL HEALTH AND WELFARE ACT; PUBLIC WORKS HEALTH ACT.

## HOME EXTENSION—HOME IMPROVEMENT

*See* HOUSING ACTS.

## HONEY

*See* FRUIT, VEGETABLES AND HONEY ACT.

## HOSIERY—MARKING MATERIAL CONTENT OF

*See* DOMINION TRADE AND INDUSTRY COMMISSION ACT.

## HOG CARCASS GRADING, REGULATIONS RESPECTING

*See* LIVE STOCK AND LIVE STOCK PRODUCTS ACT.



## HOUSING ACTS

As defined in *The Central Mortgage and Housing Corporation Act* (1945, c. 15), "*Housing Acts*" means *The National Housing Act, 1944*, *The National Housing Act, 1938*, including Item 452 of Schedule B to *The Appropriation Act, No. 5, 1942*, *The Home Improvement Loans Guarantee Act, 1937*, including Item 453 of Schedule B to *The Appropriation Act, No. 5, 1942*, and *The Dominion Housing Act, 1935*. By section 18 of *The Central Mortgage and Housing Corporation Act* the rights, powers, duties, liabilities and functions of the Minister under the Housing Acts or under any contract entered into under the said Acts were, with certain stated exceptions, transferred to Central Mortgage and Housing Corporation.

## HOME IMPROVEMENT LOANS GUARANTEE ACT, 1937

## The Home Improvement Regulations, 1937

P.C. 3233

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 27th day of July, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Reconstruction and Supply and pursuant to the provisions of section 8 of *The Home Improvement Loans Guarantee Act, 1937*, 1 George VI, chapter 11, is pleased to order as follows:

1. The Regulations under *The Home Improvement Loans Guarantee Act, 1937*, established by Order in Council P.C. 937 of 23rd April, 1937, as amended, are hereby revoked; and

2. The annexed regulations entitled "*The Home Improvement Regulations, 1937*" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

## THE HOME IMPROVEMENT REGULATIONS, 1937

1. These regulations and any amendments thereto may be cited as *The Home Improvement Regulations, 1937*.

2. In these regulations unless the context otherwise requires:

- (a) "Act" means *The Home Improvement Loans Guarantee Act, 1937*, and any amendments thereto;
- (b) "approved lending institution", "home improvement loan", "lending institution" and "Minister" shall have the same meaning as in the Act;
- (c) "borrower" means a person who has obtained a home improvement loan;

**Home Improvement Loans Guarantee Act—continued**

- (d) "claim" means a claim on the form prescribed made by an approved lending institution to the Minister for any loss sustained by it as a result of a home improvement loan made by such institution;
- (e) "guarantee" means a guarantee given by the Government of Canada to any approved lending institution pursuant to the provisions of the Act and these regulations;
- (f) "lender" means an approved lending institution;
- (g) "loan" means a home improvement loan;
- (h) "note" means a promissory note evidencing a home improvement loan.

3. A note may provide for the payment by the maker of interest at the rate of seven per centum per annum, from the date of default until payment, upon each instalment of principal in respect of which default of payment has continued for at least fifteen days from the due date.

4. (1) If a lender discovers that a statement in an application for a loan is false in any material respect, the lender shall immediately report the same to the Minister, and shall take whatever action the lender deems appropriate in the circumstances.

(2) If despite the fact that the application has been scrutinized and checked with the care ordinarily required by the lender, it is discovered that a false material statement has been made therein or that the proceeds of the loan have been used otherwise than for the purposes specified in the application the guarantee shall not for such reason be invalidated or discharged to any extent.

5. A new obligation taken to liquidate a loan previously made or to increase the amount loaned and consolidate both loans shall be eligible for guarantee if it complies with the requirements of the Act and the Regulations, and the full amount of the original loan, plus the additional amount loaned, shall be included in ascertaining the total amount loaned by the lender.

6. (1) Where a borrower under a loan is in default or advises the lender that some of the terms of his agreement are so onerous that he will have to default, and where in either case the said lender is of opinion that a revision or alteration of some of the terms of the agreement will enable the borrower to meet his obligation, the said lender may, with the borrower's approval, alter or revise the agreement in any or all of the following ways:

- (a) extend the time within which the loan must be entirely repaid, even if such extension exceeds the terms of section 6(c) of the Act;
- (b) reduce the amount of the periodic instalments or increase them if they are to be paid less frequently;
- (c) increase or decrease the periods between such instalments but in no case are instalments to be due less frequently than yearly.

(2) When any agreement is altered or revised under subsection one hereof the unearned discount or interest on the original loan shall be credited in full to the borrower.

(3) If the terms of the altered or revised agreement do not exceed the limitations imposed by section 6(c) of the Act, the guarantee of the Government of Canada to the lender shall not be discharged where the lender has notified the Minister by registered letter of such alteration or revision and the reasons therefor.

**Home Improvement Loans Guarantee Act—continued**

(4) Where the terms of the altered or revised agreement would result in the limitations imposed by section 6(c) of the Act being exceeded the agreement shall not become effective until the lender has notified the Minister as provided in subsection (3) hereof and has received the approval of the Minister, in which event the alteration or revision shall not discharge the guarantee of the Government of Canada to the lender.

7. After default has occurred the lender may take such steps whether by legal proceedings or otherwise as it considers necessary to effect collection of the loan, to obtain whatever security, including endorsements it considers necessary under the circumstances, and to realize upon its security, if any, to whatever extent it deems advisable and, to the extent that it considers necessary, to effect any compromise with or grant any concession to any person other than the borrower liable upon any security, all without in any way invalidating the guarantee or discharging it to any extent.

8. (1) The lenders shall prepare and submit semi-annual reports to the Minister substantially in Form 7 in the schedule to these regulations completed as of the thirty-first day of March and thirtieth day of September of each year.

(2) The Minister may at any time require any lender to report to him upon the position of any loan in default.

9. (1) Claim under the guarantee for loss may be made to the Minister at any time after any instalment due in respect of such loan has been in default for more than fifteen days and the lender has asserted its option to treat the entire amount outstanding as due and payable and has made demand upon the borrower for the payment thereof and the borrower has made default in payment thereof for more than forty-five days; provided that the lender submits with its claim its certificate stating that in its opinion there is no reasonable prospect of recovering from the borrower the whole or any substantial part of the amount of the loan outstanding by legal proceedings or otherwise and the grounds upon which such opinion is based.

(2) Where the lender has not claimed under subsection (1) hereof further efforts to collect shall be made and if the aggregate payments made by the borrower during the first year after demand for payment of the whole amount outstanding do not amount to 10 per cent of the balance due on the date of such demand, claim shall be made to the Minister within 60 days after the end of such year or thereafter if the Minister approves. If 10 per cent or more thereof has been paid and in any subsequent six-month period the aggregate payments made by the borrower do not amount to 5 per cent of the unpaid balance at the date of such demand, claim shall be made to the Minister within 60 days after the end of such period or thereafter if the Minister approves. All claims shall be accompanied by the certificate mentioned in subsection (1) hereof.

10. A claim shall be submitted by the lender in Form 8 in the schedule to these regulations or to the like effect, accompanied by every note representing the loan, by all unrealized security and by any judgment obtained, all properly assigned to His Majesty in the right of the Dominion of Canada, and by the Certificate mentioned in subsection (1) of regulation 9.



**Home Improvement Loans Guarantee Act—continued**

**11.** (1) The guarantee shall provide that in determining the amount of loss sustained by any lender:

- (a) the unpaid amount of the note less unearned interest or discount; and
- (b) uncollected earned interest calculated at the rate of  $3\frac{1}{2}$  per centum per annum until the claim is approved for payment; and
- (c) if judgment is secured, 5 per cent of the amount collected by the lender subsequent to the return of execution;

shall be included, together with the following to the extent that they or any of them constitute disbursements by any such lender;

- (d) uncollected, taxed or taxable costs and disbursements of and incidental to legal or other proceedings in connection with any such loan;
- (e) reasonable fees of solicitors in respect of claims collected after notice or demand without litigation and either as a whole or in instalments, subject to taxation by the Department of Justice.
- (f) legal fees, costs and disbursements, whether taxable or not, actually incurred by the lender in collecting or endeavouring to collect outstanding loans or in protecting the interests of the Government of Canada, as guarantor, but only to the extent which the Deputy Minister of Justice taxes or allows.

(2) Claims for loss, if in accordance with the Act and these regulations, shall be approved for payment by the Minister within 60 days after receipt thereof and paid forthwith.

(3) Subsequent to payments being made to the lending institutions of any claim hereunder, Central Mortgage and Housing Corporation shall be subrogated in and to all rights of the said lending institutions, in respect of the said loans and, without limiting the generality of the foregoing, all rights and powers of the said lending institutions in respect of the loans and in respect of any judgment in respect thereof obtained by the lending institutions for the repayment thereof, shall be vested in Central Mortgage and Housing Corporation on behalf of His Majesty and Central Mortgage and Housing Corporation shall be entitled to exercise all rights and privileges which the said lending institutions had or might exercise in respect of the said loans, judgment or security, or to commence or continue any action or proceedings in respect thereof, and to execute any document necessary by way of release, transfer, sale or assignment thereof, or in any way realize thereon, and to effect such compromise as in the opinion of Central Mortgage and Housing Corporation is in the best interest of His Majesty, having regard to the age, financial situation and other circumstances of the borrower.

**12.** (1) A lender who has collected the full amount of a loan may make a claim under the guarantee in respect of legal fees, costs and disbursements, whether taxable or not, actually incurred by the lender in collecting the amount of the loan or in protecting the interests of the Government of Canada, as guarantor.

(2) The lender shall submit a claim under this regulation in form eight of the schedule to these regulations or to the like effect accompanied by any judgment obtained properly assigned to His Majesty in the right of the Dominion of Canada and by a certificate stating that in its opinion there is no reasonable prospect of recovering from the borrower such legal fees, costs and disbursements or any part thereof and the grounds upon which such opinion is based.



Home Improvement Loans Guarantee Act—continued

(3) Subject to approval by the Minister, a claim for loss under this regulation shall, if in accordance with the Act and these regulations, be paid, to the extent which the Deputy Minister of Justice taxes or allows, within sixty days after receipt thereof.

SCHEDULE

FORM 1

REF. No. .... 19.....  
\$.....

For value received I promise to pay to the order of.....at its office here, the principal sum of.....DOLLARS said principal sum to be payable as follows:.....DOLLARS on the.....day of.....19....., and.....DOLLARS on the.....day of each and every month thereafter until the.....day of.....19....., on which said date the entire balance of principal then unpaid shall become due and payable. In case said instalments, or any of them, are not paid within fifteen days after the same become due, the whole of said principal sum shall forthwith become due and payable at the option of the holder of this note.

In the event that I shall fail to make any of the payments above provided for and such default continues for fifteen days from the due date, I promise to pay 7% per annum on each such defaulted payment from the date of default until payment.

I acknowledge the receipt of \$..... being proceeds of this note, less discount of \$..... calculated in accordance with the official tables.

Address: .....  
Telephone: .....

**Home Improvement Loans Guarantee Act—continued**

Form 114 R-36

FORM 7

**HOME IMPROVEMENT LOANS**

..... (This report is to be completed as of the 15th and end of each month)

Branch

(Name of lender)

Fortnightly Report to.....19.... Number of Loans on which instalments are overdue 60 days or more .....

No. Amt.

1. Total Advances made to date of last report (Item No. 3 of last report) .... \$ Total principal amount of loans on which instalments are overdue 60 days or more .....\$

2. Plus Advances made since last report as listed below ..... Amount of instalments overdue 60 days or more.. \$

3. Total Advances made to date ..... \$

4. Less total repayments to date ..... \$ Certified ..... Manager.

5. Total Loans outstanding ..... \$ Accountant.

**ADVANCES MADE SINCE LAST REPORT**

Number	BORROWER		Amount of Loan	Period of Loan	How Repayable (monthly or otherwise)	Purpose of Transaction, briefly (Mention particularly if for farm purposes)
	Name	Address				

ADVANCES SHOULD BE NUMBERED CONSECUTIVELY FROM THE COMMENCEMENT

**Home Improvement Loans Guarantee Act—concluded**

## FORM 8

*Proof of Claim on Defaulted Note*.....  
(Date)

To Minister of Finance, Ottawa, Ont.

(Insert name of Lender, Branch and Number of Loan)

Borrower .....

Address .....

Under the guarantee of the Government of Canada given pursuant to The Home Improvement Loans Guarantee Act, 1937, claim is hereby made for reimbursement to the undersigned for loss as follows:

Unpaid amount of Note .....\$

Uncollected taxed or taxable costs and disbursements of and incidental to legal or other proceedings .....\$

Uncollected Solicitor's fees .....\$

Commission on amount collected after return of execution...\$

Total .....\$

Less unearned interest or discount .....\$

Balance .....\$

Uncollected earned interest calculated at the rate of 3½ per cent per annum until approval for payment (for calculation by Government) .....\$

Amount payable .....\$

The following information is submitted to prove this claim:

1. Original signed note.
2. Statement showing complete information concerning the loan and payments.
3. Certificate that loan is not recoverable.
4. Statement of uncollected taxed or taxable costs and disbursements and solicitor's fees and commissions on collections by lender.
5. Assignment of note in approved form.
6. Unrealized security (if any) assigned in approved form.
7. Unsatisfied judgment (if any) assigned in approved form.

.....  
*Lending Institution*.....  
*Address*.....  
*Official*.....  
*Official Title*

**APPROPRIATION ACT No. 5, 1942.**

**The Home Extension Regulations, 1942**

P.C. 3331

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 27th day of July, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Reconstruction and Supply reports that pursuant to the authority contained in Vote No. 453 of Schedule B to The Appropriation Act, No. 5, 1942, 6 George VI, chapter 36, certain regulations were established by Order in Council P.C. 7388 of 18th August, 1942, to carry out the purposes and intention of the said Vote;

That the said regulations have been amended from time to time and that it is now deemed desirable that they be consolidated;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Reconstruction and Supply, is pleased to order as follows:

1. The Home Extension Regulations, 1942, established by Order in Council P.C. 7388 of 18th August, 1942, as amended, are hereby revoked; and

2. The annexed consolidation of The Home Extension Regulations, 1942, is hereby approved and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**THE HOME EXTENSION REGULATIONS, 1942**

1. These Regulations and any amendments thereto may be cited as The Home Extension Regulations, 1942.

2. In these Regulations unless the context otherwise requires:

- (a) "accumulated date of default" means the date to which the instalments on the loan would have been paid if all monies received on account of the said loan had been applied in liquidation of instalments as they matured;
- (b) "approved lending institution" means any lending institution approved by the Governor in Council for the purpose of making loans under these Regulations;
- (c) "borrower" means a person who has obtained a home extension loan;
- (d) "claim" means a claim on the form prescribed made by an approved lending institution to the Minister for any loss sustained by it as a result of a loan by such institution;



**Appropriation Act No. 5, 1942—continued**

- (e) "guarantee" means the guarantee given by the Government of Canada to any approved lending institution pursuant to the provisions of these Regulations;
- (f) "home extension loan" means a loan of money made for the purpose of financing the creation of additional self-contained housing units by alterations or additions to a building used solely or partially as a dwelling at the time application is made for the loan;
- (g) "lender" means an approved lending institution;
- (h) "lending institution" means any corporation authorized to lend money on other than mortgage security;
- (i) "loan" means a home extension loan;
- (j) "Minister" means the Minister of Reconstruction and Supply;
- (k) "owner" means any person, firm, partnership, estate, trustee, corporation or other entity capable of holding and holding real or immoveable property and shall include a mortgagor of property who has an equity of redemption thereon under a mortgage, trust agreement or contract, a mortgagee of property who is in possession thereof and a purchaser of property under a registered Agreement for Sale dated at least one year previous to the application for loan;
- (l) "note" means a promissory note evidencing a loan;
- (m) "self-contained housing unit" means a unit providing therein facilities for living, sleeping, eating, food preparation and sanitary facilities for one family; provided that one or more self-contained housing units may be heated by a central heating plant;
- (n) "urban area" means any city, town, village or other community excluding rural areas, to be designated by the Minister.

3. The Minister may, subject to the provisions of these Regulations, guarantee approved lending institutions against losses which they may sustain as a result of loans made by them.

4. In no case shall the liability of the Government of Canada in respect of guarantees given under these Regulations to any approved lending institution exceed fifteen (15) per centum of the aggregate amount of loans made by any such lending institution.

5. The aggregate amount of loans which may be guaranteed under these Regulations shall not exceed two million dollars (\$2,000,000) and the total liability of the Government of Canada, in respect of guarantees given under these Regulations shall not exceed three hundred thousand dollars (\$300,000); provided that the Governor in Council may fix and determine a date after which no loan made by an approved lending institution shall be guaranteed.

6. No loan shall be guaranteed under these Regulations unless it complies with the following conditions:

- (a) A loan shall be made only in urban areas where in the opinion of the Minister a shortage of housing exists or impends;
- (b) A loan shall be made only to a registered owner of the dwelling in which the additional self-contained housing units are to be created;

**Appropriation Act No. 5, 1942—continued**

- (c) Loans shall be for a term not exceeding five years;
- (d) The maximum loan, including discount charges, shall not exceed (a) for the first new housing unit created \$1,500, (b) for the second new housing unit created an additional \$1,000, and (c) for each subsequent new housing unit created an additional \$750;
- (e) In no event shall the amount of the loan, when added to the amount of existing encumbrances against the property, exceed the appraised value of the completed property, as determined by the Minister;
- (f) A loan shall not be made with respect to any property upon which all municipal taxes, rates, assessments and local improvement taxes, mortgage interest and principal payments are not paid up to the last due date prior to the date of application for the loan;
- (g) A loan shall be guaranteed only after the application for same has been approved by the Minister as an application for a loan within the terms of these Regulations.

7. A note may provide for the payment by the maker of interest at the rate of seven per centum (7%) per annum upon each instalment in default from the date of default until payment.

8. (1) If a lender discovers that a statement in an application for a loan is false in any material respect or that a borrower has used or is using the proceeds of a loan otherwise than in payment for alterations or additions to the home specified in his application, the lender shall immediately report the same to the Minister, and shall take whatever action the Minister and the lender jointly deem appropriate in the circumstances.

(2) If despite the fact that the application has been scrutinized and checked with the care ordinarily required by the lender, it is discovered that a false material statement has been made therein by the borrower or that the proceeds of the loan have been used otherwise than for the purposes specified in the application, the guarantee shall not for such reason be invalidated or discharged to any extent.

9. A new obligation taken to liquidate a loan previously made under these Regulations or to increase the amount of the loan and consolidate previous loans shall be eligible for guarantee if it complies with the requirements of these Regulations, and the full amount of the original loan, less unearned discount and plus the additional amount loaned shall be included in ascertaining the total amount loaned by the lender.

10. (1) Where a borrower under a loan is in default or advises the lender that some of the terms of his agreement are so onerous that he will have to default, and where in either case the said lender is of the opinion that a revision or alteration of some of the terms of the agreement will enable the borrower to meet his obligation, the said lender may with the borrower's approval, alter or revise the agreement in any or all of the following ways:

- (a) extend the time within which the loan must be entirely repaid even if such extension exceeds the terms of Section 6(c) of these Regulations;
- (b) reduce the amount of the minimum monthly instalments below fifteen dollars (\$15.00) if necessary.

**Appropriation Act No. 5, 1942—continued**

(2) When any agreement is altered or revised under subsection (1) hereof the unearned discount or interest on the original loan shall be credited in full to the borrower.

(3) If the terms of the altered or revised agreement do not exceed the limitation imposed by section 6(c) of these Regulations, the guarantee of the Government of Canada to the lender shall not be discharged where the lender has notified the Minister by registered letter of such alteration or revision and the reasons therefor.

(4) Where the terms of the altered or revised agreement would result in the limitation imposed by section 6 (c) of these Regulations being exceeded, the agreement shall not become effective until the lender has notified the Minister as provided in subsection (3) hereof and has received the approval of the Minister, in which event the alteration or revision shall not discharge the guarantee of the Government of Canada to the lender.

**11.** After default has occurred the lender may take such steps whether by legal proceedings or otherwise as it considers necessary to effect collection of the loan, to obtain whatever security, including endorsements it considers necessary under the circumstances, and to realize upon its security if any, to whatever extent it deems advisable, and to the extent that it considers necessary, to effect any compromise with or grant any concession to any person other than the borrower liable upon any security, all without in any way invalidating the guarantee or discharging it to any extent.

**12.** (1) The lenders shall at the end of each quarter, namely March thirty-first, June thirtieth, September thirtieth, December thirty-first, prepare and submit reports to the Minister substantially in Form H.E. 4 in the schedule to these Regulations, completed as of the last day of each of the said quarters.

(2) The Minister may at any time require any lender to report to him upon the position of any loan in default.

(3) The Minister may at any time in the case of default immediately require the lender to secure judgment and record same against the title to the property.

**13.** (1) Claim under the guarantee for loss may be made to the Minister at any time after any instalment due in respect of such loan has been in default for more than fifteen (15) days and the lender has asserted its option to treat the entire amount outstanding as due and payable and has made demand upon the borrower for the payment thereof and the borrower has made default in payment thereof for more than forty-five (45) days provided that the lender submits with its claim its certificate stating that in its opinion there is no reasonable prospect of recovering from the borrower the whole or any substantial part of the amount of the loan outstanding by legal proceedings or otherwise and the grounds upon which such opinion is based.

(2) Where the lender has not claimed under subsection (1) hereof further efforts to collect shall be made and if the aggregate payments made by the borrower during the first year after demand for payment of the whole amount outstanding do not amount to ten (10) per cent of the original amount of the loan, claim shall be made to the Minister within sixty (60) days after the end of such year or thereafter if the Minister approves. If ten (10) per cent of the original amount of the loan or more thereof has been paid and in any subsequent six-month-period the aggregate



**Appropriation Act No. 5, 1942—continued**

payments made by the borrower do not amount to five (5) per cent of the original amount of the loan, claim shall be made to the Minister within sixty (60) days after the end of such period or thereafter if the Minister approves. All claims shall be accompanied by the certificate mentioned in subsection (1) hereof.

14. A claim shall be submitted by the lender in Form H.E. 7 in the schedule to these Regulations or to the like effect, accompanied by every note representing the loan, by all unrealized security and by any judgment obtained, all properly assigned to His Majesty in the right of the Dominion of Canada, and by the certificate mentioned in subsection (1) of regulation 13.

15. (1) The guarantee shall provide that in determining the amount of loss sustained by any lender:

- (a) the unpaid amount of the note less unearned interest or discount; and
- (b) uncollected earned interest calculated at the rate of three and one-half ( $3\frac{1}{2}$ ) per centum per annum from accumulated date of default until the claim is approved for payment; and
- (c) if judgment is secured, five (5) per cent of the amount collected by the lender subsequent to the return of execution;

shall be included, together with the following to the extent that they or any of them constitute disbursements by any such lender;

- (d) uncollected taxed costs and disbursements of and incidental to legal or other proceedings in connection with any such loan;
- (e) reasonable fees of solicitors in respect of claims collected after notice or demand without litigation and either as a whole or in instalments, subject to taxation by the Department of Justice;
- (f) legal fees, costs and disbursements, actually incurred by the lender in collecting or endeavouring to collect outstanding loans or in protecting the interests of the Government of Canada, as guarantor, but only to the extent which the Department of Justice taxes or allows.

(2) Claims for loss, if in accordance with these Regulations, shall be approved for payment by the Minister within sixty (60) days after receipt thereof and paid forthwith.

16. (1) A lender who has collected the full amount of a loan may make a claim under the guarantee in respect of legal fees, costs and disbursements, whether taxable or not, actually incurred by the lender in collecting the amount of the loan or in protecting the interests of the Government of Canada, as guarantor.

(2) The lender shall submit a claim under this regulation in Form H.E. 7 of the schedule to these Regulations or to the like effect accompanied by any judgment obtained properly assigned to His Majesty in the right of the Dominion of Canada and by a certificate stating that in its opinion there is no reasonable prospect of recovering from the borrower such legal fees, costs and disbursements or any part thereof and the grounds upon which such opinion is based.

(3) Subject to approval by the Minister, a claim for loss under this regulation shall, if in accordance with these Regulations, be paid, to the extent which the Deputy Minister of Justice taxes or allows, within sixty (60) days after receipt thereof.



Appropriation Act No. 5, 1942—continued

17. The Minister shall annually prepare a report with regard to loans made under these Regulations during the preceding fiscal year and the report shall be laid before Parliament within fifteen (15) days, or if Parliament is not then sitting, fifteen (15) days after the beginning of the next Session.

SCHEDULE

Form H.E. 2 PROMISSORY NOTE

L.I. Ref. No. ....19.....  
\$.....

For value received I promise to pay to the order of .....  
at its office here, the principal sum of.....DOLLARS,  
100

said principal sum to be payable as follows: .....DOLLARS  
on the ..... day of .....19.... and on the .....  
day of each and every month thereafter until the .....day  
of ..... 19..... on which said date the entire balance of  
principal then unpaid shall become due and payable. In case said instal-  
ments, or any of them, are not paid within fifteen days after the same  
becomes due, the whole said principal sum shall forthwith become due and  
payable at the option of the holder of this note.

In the event that I shall fail to make any of the payments above  
provided for, I promise to pay 7% per annum on each such defaulted  
payment from the date of default until payment.

I acknowledge the receipt of \$..... being proceeds of this  
note, less discount of \$..... calculated in accordance with the  
official tables.

Address: .....  
Telephone: .....

Form H.E. 4 HOME EXTENSION LOANS

.....	This report to be made as of the	
Branch	last day of March, June, September	
(name of lender)	and December.	
Quarterly Report to .....19...	No.	Amt.
	Number of Loans on which	
	instalments are overdue	
1. Total Advances made	60 days or more .....—	
to date of last report (Item	Total principal amount of	
No. 3 of last report) .....	\$	loans on which instal-
2. Plus Advances made	ments are overdue 60	
since last report as listed	days or more .....\$	
below .....	\$	Amount of instalments
	—	overdue 60 days or
3. Total Advances made	more .....\$	
to date .....	\$	Certified .....
	==	
4. Less total repayments	Manager.	
to date .....	\$	.....
	—	
5. Total Loans out-	Accountant.	
standing .....	\$	
	==	

Appropriation Act No. 5, 1942—continued

LOANS MADE SINCE LAST REPORT

(Loans should be reported when note is signed by borrower)

L.I. No.	H.E. No.	BORROWER Name                  Address	Amount of Loan	Period of Loan	Amount Advanced to Date

FURTHER ADVANCES MADE ON LOANS PREVIOUSLY REPORTED

L.I. No.	H.E. No.	BORROWER Name                  Address	Amount of Further Advance

**Appropriation Act No. 5, 1942—concluded**

**Form H.E. 7    PROOF OF CLAIM ON DEFAULTED NOTE**

L.I. Ref. No. .... (Date)

H.E. Ref. No. ....

To the Minister of Reconstruction and Supply, Ottawa, Ont.

Borrower .....

Address .....

Under the guarantee of the Government of Canada given pursuant to Home Extension Regulations, 1942, claim is hereby made for reimbursement to the undersigned for loss as follows:

Unpaid amount of Note.....\$

Uncollected taxed or taxable costs and disbursements of and incidental to legal or other proceedings .....\$

Uncollected Solicitors' fees .....\$

Commission on amount collected after return of execution...\$

Total .....\$

Less unearned interest or discount .....\$

Balance .....\$

Uncollected earned interest calculated at the rate of 3½ per cent per annum until approval for payment (for calculation by Government) .....\$

Amount payable .....\$

The following information is submitted to prove this claim:

1. Original signed note.
2. Statement showing complete information concerning the loan and payments.
3. Certificate that loan is not recoverable.
4. Statement of uncollected taxed or taxable costs and disbursements and solicitors' fees and commissions on collections by lender.
5. Assignment of note in approved form.
6. Unrealized security (if any) assigned in approved form.
7. Unsatisfied judgment (if any) assigned in approved form.

.....  
*Lending Institution*

.....  
*Address*

.....  
*Official*

.....  
*Official Title*

## NATIONAL HOUSING ACT, 1944

1. *Home Extension Loan Regulations.*
2. *Loans under Parts I and II.*
3. *Standards of construction.*

### 1. The Home Extension Loan Regulations

P.C. 1181

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of March, 1946.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

WHEREAS under the provisions of sections 20 and 31 of The National Housing Act, 1944, the Governor in Council may make regulations with respect to home extension loans as that term is defined in the said Act;

AND WHEREAS it is further provided that any regulations made under the said Act are not effective until published in the *Canada Gazette* and upon such publication are effective and have the same force and effect as if they had been enacted by the said Act;

THEREFORE, His Excellency the Administrator in Council, on the recommendation of the Minister of Finance, is pleased to make the annexed regulations respecting home extension loans under Part IV of the National Housing Act, 1944, and they are hereby made and established accordingly.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

### REGULATIONS RESPECTING HOME EXTENSION LOANS UNDER PART IV OF THE NATIONAL HOUSING ACT, 1944

1. These Regulations may be cited as the Home Extension Regulations, 1946.
2. In these Regulations and any amendments thereto words and expressions, other than those herein defined, shall have the same meaning as in the National Housing Act, 1944 (hereinafter called the Act).
3. For the purposes of Part IV of the Act and these Regulations:—
  - (a) "alterations and additions" means such alterations and additions as are required to add one or more family housing units to an existing home and without limiting the generality of the foregoing shall include work relative thereto involving expenditure for labour, materials, and equipment in connection with:—
    - (i) structural alterations to an exterior or interior of a home;
    - (ii) additions to a home, including the addition of one or more rooms or storeys;
    - (iii) the erection of or alterations or additions to an attached or detached garage or outbuildings but excluding the erection of the principal dwelling;



**National Housing Act—continued**

- (iv) demolition or moving of buildings;
- (v) the purchase, installation, repair or improvement of heating systems, including equipment to be permanently installed, such as stokers, oil-burners and wood, coal, gas and electric furnaces and boilers, which are a part of such system;
- (vi) the purchase, installation, repair or improvement of electric light and power systems, including private lighting and power plants and connections to power lines to be permanently installed;
- (vii) the purchase, installation, repair or improvement of fire control systems and plumbing systems, including water-heaters, sinks, tubs and other plumbing fixtures to be permanently installed;
- (viii) the purchase, installation, repair or improvement of built-in air-conditioning and heat-control systems;
- (ix) painting, paperhanging, and general decorating but excluding such items as curtains, drapes and rugs, provided that an overall floor covering made, cut or prepared to fit a particular room may be included;
- (x) the purchase, construction, installation, repair or improvement of a sewage disposal system or any portion thereof, including septic tanks and connections to public sewers;
- (b) "Corporation" means "Central Mortgage and Housing Corporation";
- (c) "home" shall include:—
  - (i) a one-family or multiple-family dwelling which is occupied or suitable for occupancy, together with garages and other incidental outbuildings located on the same lot or adjoining lot of which the borrower is the owner;
  - (ii) a building containing a combined store and dwelling provided that the part of the building to which the alterations and additions are to be made may be fairly described as a dwelling;

Provided that a home shall not include a farm dwelling\* or a building used as a hotel or a summer residence or a dwelling used for seasonal occupancy;

- (d) "lender" means a bank or an approved instalment credit agency;
- (e) "loan" means a home extension loan;
- (f) "owner" means any person, firm, partnership, estate, trustee, corporation, or other entity capable of holding and holding real or immovable property; and shall include a mortgagor of property who has an equity of redemption therein under a mortgage, trust agreement, or contract; a mortgagee of property who is in possession thereof; a purchaser of property under an agreement for sale which has either been registered or recorded by way of caveat; a lessee of property under a lease expiring not less than three years after the maturity of any loan made to such lessee under the Act; a lessee of land under a lease from the Crown or from any municipality or from any corporation, provided the lessee owns a home located thereon;

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\*For farm dwellings see *The Farm Improvement Loans Act, 1944, and Regulations made thereunder.*

**National Housing Act—continued**

- (g) "responsible officer" shall include the president, vice-president, secretary, treasurer, general manager, branch manager, assistant manager, supervisor or accountant of a bank or approved instalment credit agency and the person for the time being acting in such capacity;
- (h) "schedule" means the schedule to these Regulations.

**4. Application for Loan**

- (a) An applicant for a loan shall submit a signed application in triplicate in Form H.E. 1 in the schedule or a form to the like effect together with plans and specifications in duplicate of the proposed alterations or additions. The plans shall be at least as detailed as are required for purposes of the local building inspector.
- (b) A responsible officer of the lender shall scrutinize and check the application with the care required of him by the lender in the conduct of its ordinary business and shall certify that to the best of his knowledge the conditions and purpose of the loan are such as to qualify it as a guaranteed home extension loan.
- (c) The application, plans and specifications shall be submitted in duplicate by the lender to the Corporation for approval.
- (d) The Corporation shall advise the lender of its decision and until the application has been approved in writing by the Corporation any loan made thereunder shall not qualify as a guaranteed home extension loan.
- (e) The Corporation may require a credit report on the borrower.
- (f) In no event shall the amount of the loan, when added to the amount of existing encumbrances against the property, exceed the appraised value of the completed property as determined by the Corporation.

5. In no event shall a loan be made with respect to any property upon which all municipal taxes, rates, assessments and local improvement taxes have not been paid in full to the last due date.

**6. Promissory Note**

- (a) Every promissory note for a loan shall be in Form H.E. 2 in the schedule or a form to the like effect and shall be signed as maker by an owner of the home upon which the proceeds of the loan are to be expended. The note shall be repayable in equal monthly instalments subject to any necessary adjustment in the final instalment so that total payments will equal the face amount of the note.
- (b) Where the owner is a married person and the loan is made in respect of a one-family dwelling which is occupied by the owner the note shall be endorsed by the husband or wife of such owner, unless at the request of the lender this requirement is specifically waived by the Corporation in approving an application for a loan; provided that in respect of loans made in the Province of Quebec the wife of an owner shall not by this regulation be required to endorse the note.
- (c) Except in the case of a loan provided for in regulation 6 (b), where the owner is a married person the note shall also be signed as maker by the husband or wife of such owner, unless at the

**National Housing Act—continued**

request of the lender this requirement is specifically waived by the Corporation in approving an application for a loan; provided that in respect of loans made in the Province of Quebec the wife of an owner shall not by this regulation be required to sign the note.

**7. Security for Loans**

If a loan is made other than to an owner who occupies a one-family dwelling in respect of which the proceeds of the loan are to be expended the lender at the inception of the loan, or at any time prior to default, may take such security as the Corporation may authorize in addition to the signature of the husband or wife of the owner referred to in regulation 6.

**8. Rate of Interest**

The rate of interest which may be charged by a lender shall not exceed an effective rate of five per centum per annum so long as the borrower is not in default. Interest shall be calculated in accordance with the tables in the schedule, provided that where an overcharge is made by the lender in good faith and the borrower is credited with the amount of such overcharge upon discovery by the lender or upon notification in writing by the Corporation to the lender, the liability of the Corporation to the lender shall not be discharged to any extent.

**9.** A note may provide for the payment of interest by the maker at the rate of six per centum per annum from the date of default until payment.

**10. Misrepresentation and Misapplication of Funds**

If a lender discovers that a statement in an application for a loan is false in any material respect or that a borrower has used or is using the proceeds of a loan otherwise than for the purpose specified in the application the lender may take any action which the lender deems proper in the circumstances and the lender shall immediately report the situation to the Corporation which may request the lender to take such action or further action as it may require.

**11.** If, despite the fact that an application has been scrutinized and checked by a responsible officer of the lender with the care required of him by the lender in the conduct of its ordinary business, it is discovered that a false material statement has been made therein or that the proceeds of the loan have been or are being used otherwise than for the purpose specified in the application, the liability of the Corporation to the lender under the Act shall not for such reason be discharged to any extent.

**12. When Entire Amount Becomes Due and Payable**

If the borrower is in default in respect of any payment for a period greater than thirty days, the balance of the loan outstanding shall at the option of the lender thereupon become due and payable.

**13. Procedure on Default**

After the balance of the loan outstanding has become due and payable, whether under regulation 12 or otherwise, the lender may:—

- (a) take such steps whether by legal proceedings or otherwise as it considers advisable to effect collection of the loan;
- (b) obtain whatever security it considers advisable under the circumstances;

**National Housing Act—continued**

- (c) realize upon its security to whatever extent it deems advisable;
  - (d) to the extent that it considers advisable effect any compromise with or grant any concession to any person other than the borrower;
- all without in any way discharging the liability of the Corporation to the lender under the Act to any extent.

**14. Revision of Terms of Loan**

(1) Where a borrower is in default or advises the lender that some of the terms of his agreement in connection with his loan are such that he will have to default and where in either case the lender is of the opinion that a revision of some of the terms of the agreement will enable the borrower to meet his obligation the lender may with the borrower's approval, alter or revise the agreement in any or all of the following ways:—

- (a) extend the time within which the loan must be entirely repaid, even if such extension exceeds the terms of section 17 (1) (f) of the Act;
- (b) reduce the amount of periodic instalments or increase them if they are to be paid less frequently;
- (c) increase or decrease the periods between such instalments but in no case are such periods to exceed one year.

(2) Where the terms of the altered or revised agreement do not exceed the limitations imposed by section 17 (1) (f) of the Act the liability of the Corporation to the lender under the Act shall not be discharged if the lender notifies the Corporation promptly by registered mail of such alteration or revision and the reasons therefor.

(3) Where the terms of the altered or revised agreement would result in the limitations imposed by section 17 (1) (f) of the Act being exceeded, the agreement shall not become effective until the lender has received the approval of the Corporation. Upon such approval the alteration or revision shall not discharge the liability of the Corporation to the lender under the Act to any extent.

**15. Reports to Corporation**

- (a) The lender shall send to the Corporation within thirty days following the last day of March, June, September and December, respectively, quarterly reports showing particulars of loans made in the quarterly period in Form H.E. 3 in the schedule or a form to the like effect.
- (b) The lender shall send to the Corporation within thirty days following the last day of March, June, September and December, respectively, quarterly reports showing particulars of loans in default for over sixty days in Form H.E. 4 in the schedule or a form to the like effect.
- (c) The lender shall furnish such other information as the Corporation may require from time to time.

**16. Claims**

(1) Claim for loss sustained by the lender in any loan may be made to the Corporation at any time after the balance of the loan outstanding becomes due and payable whether as provided in regulation 12 or otherwise.



**National Housing Act—continued**

(2) Where the lender has not claimed under subsection (1) of this regulation further efforts to collect shall be made and if the aggregate payments made by the borrower during the first year after the balance of the loan outstanding became due and payable, whether as provided in regulation 12 or otherwise, do not amount to ten per centum of such balance, claim shall be made to the Corporation within sixty days after the end of such year or thereafter if the Corporation approves. If ten per centum or more thereof has been paid and in any subsequent six-month period the aggregate payments made by the borrower do not amount to five per centum of such balance claim shall be made to the Corporation within sixty days after the end of such period or thereafter if the Corporation approves.

17. A claim shall be submitted by the lender in Form H.E. 5 in the schedule or a form to the like effect, accompanied by every note representing the loan.

18. (1) The amount of loss sustained by a lender in respect of a loan for which a claim for loss has been submitted shall include:—

- (a) an amount equal to the unpaid balance of the note upon the date when the balance of the loan outstanding became due and payable whether as provided in regulation 12 or otherwise, less any unearned discount at the said date;
- (b) interest at the rate of three per centum per annum on such amount from the said date until the claim is approved for payment; provided that if any payments were made on the loan to the lender after the said date they shall be credited first upon interest owing and the balance on principal and the amount of the said claim for loss shall be adjusted accordingly;
- (c) any uncollected taxed or taxable costs and any disbursements for or incidental to legal or other proceedings in connection with the loan;

and

- (d) legal fees, costs and disbursements, whether taxable or not, actually incurred by the lender, whether with or without litigation, in collecting or endeavouring to collect the loan or in protecting the interests of the Corporation, but only to the extent which the Corporation taxes or allows.

(2) Notwithstanding that all moneys owing on the loan have been recovered from the borrower the Corporation may pay to the lender any amount falling within clauses (c) and (d) of subsection (1) of this regulation provided such amounts cannot be recovered from the borrower.

(3) Claims for loss if in accordance with the Act and these Regulations shall be approved for payment by the Corporation within sixty days after receipt thereof and shall thereupon be paid forthwith.

(4) Upon payment of the loss in respect of a guaranteed home extension loan being made by the Corporation the lender shall forward a receipt in favour of the Corporation in accordance with Form H. E. 6 in the schedule or a form to the like effect.

(5) The lender shall deal with any security held by it for the said loan as the Corporation may direct and at the Corporation's expense.

**19. Recoveries**

Acting on behalf of the Corporation the lender shall, notwithstanding the full settlement of its claim for loss, take such reasonable steps as the Corporation may deem necessary to collect payments of principal and

National Housing Act—continued

interest due by the borrower and realize upon any security provided for under these Regulations; such amounts as may be collected or realized to be remitted to the Corporation every six months. Actual expenses of the lender in so collecting or attempting to collect or realize shall be paid by the Corporation to the lender.

SCHEDULE

Form H.E. 1 (Front)

APPLICATION FOR HOME EXTENSION LOAN  
(to be completed in triplicate by applicant)

To.....	Name of Lender.....	Lender's Reference No. ....
	Branch.....	
	Address.....	Date.....

I submit the following information for the purpose of securing from you a Home Extension Loan under Part IV of the National Housing Act, 1944, in the gross amount of \$..... for a period of.....months repayable in monthly instalments of \$.....for the purpose of financing proposed alterations and additions to property located at.....in accordance with the plans and specifications attached hereto IN DUPLICATE. These plans have been drawn to scale, they show the proposed complete new family housing unit(s) and they have been approved by the municipal authority or authorities having jurisdiction over buildings at the said location. A detailed tender or estimate of the cost of the work involved is also attached.

I hereby certify that I am the owner or one of the owners of the said property, that all taxes and mortgage payments (principal and interest) are paid in full up to the last due date and that the total indebtedness against the said property at this date is as follows:—

First Mortgage.....	\$.....	The property is assessed at.....	\$.....
Second Mortgage.....	\$.....	Amount of Fire Insurance.....	\$.....
Liens.....	\$.....	I estimate the current value of the property (without proposed improvements) to be.....	\$.....
Judgments.....	\$.....		
Other encumbrances.....	\$.....	With the proposed improvements the property will comprise.....family housing units.	
Total.....	\$.....	number	

I attach independent documentary evidence showing (a) the present standing of all encumbrances, and (b) that all taxes are paid in full up to the last due date, and I agree to furnish at my expense any other documents which may be required.

My annual income is not less than the following:—

From Salary, wages or commissions.....	\$.....
From Profits of a business.....	\$.....
From other sources.....	\$.....
Total.....	\$.....

My financial obligations apart from those already set forth above are as follows:—

To Whom Owing	Original Amount	Unpaid Balance	Monthly Payment
	\$	\$	\$
	Totals.....		

**National Housing Act—continued**

FORM H.E. 1 (Back)

I estimate my net financial worth to be \$.....

I am.....years of age, am married/single and have.....dependents.

(If a resident of the Province of Quebec) I am Common/Separate as to property.

I hereby undertake that the entire proceeds of the loan applied for will be used in payment for labour and materials needed to complete the work required by the attached plans and specifications. I also agree not to encumber further the said property and not to sell or transfer title thereto until the loan applied for herein is repaid in full or without the written consent of yourself and the Central Mortgage and Housing Corporation.

.....  
*Signature of Applicant*.....  
*Occupation*.....  
*Street Address*.....  
*City or Town*.....  
*Province***CERTIFICATE OF RESPONSIBLE OFFICER OF LENDER**

I certify that I have scrutinized and checked the within application with the care required of me by my employer in the conduct of its ordinary business; that to the best of my knowledge the conditions and purpose of the loan are such as to qualify it as a guaranteed home extension loan under Part IV of the National Housing Act, 1944.

.....  
*Signature of Responsible Officer*.....  
*Date*.....  
*Title or Position***CORPORATION'S APPROVAL**

This application, consisting of plans and specifications and other documents bearing the same Home Extension Reference Number is approved for guarantee under Part IV of the National Housing Act, 1944, in a gross amount not in excess of

\$.....  
H. E. Ref. No.

.....  
*Date*









National Housing Act—continued

FORM H.E. 5

PROOF OF CLAIM ON DEFAULTED NOTE

To Central Mortgage and Housing Corporation,  
Ottawa, Ontario.

(Date)

Borrower.....

Loan Application No.....

Address.....

By virtue of the provisions of Part IV of The National Housing Act, the undersigned hereby claims payment of the amount of loss sustained by the undersigned as a result of a guaranteed home extension loan made to the above named borrower, which loss is made up as follows:—

- (1) Unpaid amount of Note.....\$
- (2) Uncollected taxed or taxable costs, legal fees and disbursements, etc., in accordance with Regulations 18 (1) (c) and (d) of the Regulations, as per statement herewith.....\$
- Total.....\$
- (3) Less unearned interest or discount.....\$
- Balance.....\$
- (4) Uncollected earned interest calculated at the rate of 3% per annum until approval for payment (for calculation by Corporation).....\$
- Amount payable.....\$

The following information is submitted to prove this claim.

1. Original signed note.
2. Statement showing complete information concerning the loan and payments.
3. Statement of uncollected taxed or taxable costs and disbursements and solicitor's fees and commissions on collections by lender.

In the opinion of the undersigned officer of the lender the balance owing on the said loan is not recoverable from the borrower for the reasons stated on the reverse side of this form.

Lender

Address

Official

Official Title

FORM H.E. 6

RECEIPT IN FAVOUR OF THE CENTRAL MORTGAGE  
AND HOUSING CORPORATION

.....19.....

.....hereby acknowledges receipt of payment to it by the

(Lender)

Central Mortgage and Housing Corporation pursuant to Part IV of the National Housing Act, 1944, of the sum of (\$.....).....dollars in respect of the loss sustained by the said lender as a result of a guaranteed home extension loan made by the said lender to

(Name of Borrower)

Pursuant to Application No.....

C.M. & H.C. No.....

(Name of Lender)

By.....

Title or Position

Branch

National Housing Act—continued

TABLE 1

GROSS CHARGE FACTORS AND DISCOUNT FACTORS FOR LOANS OF VARYING MATURITY  
REPAYABLE IN EQUAL MONTHLY INSTALMENTS

Gross Charge Factor (based on \$1 of net proceeds)	Number of monthly Instalment Payments in which loan is to be paid	Discount Factor (based on \$1 of face Amount)
014308.....	6	014106
016363.....	7	016099
018420.....	8	018087
020481.....	9	020070
022544.....	10	022047
024610.....	11	024019
026679.....	12	025986
028751.....	13	027947
030825.....	14	029903
032902.....	15	031854
034982.....	16	033800
037065.....	17	035740
039150.....	18	037675
041238.....	19	039605
043329.....	20	041530
045423.....	21	043449
047519.....	22	045363
049618.....	23	047273
051720.....	24	049177
053825.....	25	051076
055932.....	26	052970
058042.....	27	054858
060155.....	28	056742
062271.....	29	058621
064390.....	30	060494
066511.....	31	062363
068635.....	32	064227
070761.....	33	066085
072891.....	34	067939
075023.....	35	069788
077158.....	36	071631
079296.....	37	073470
081437.....	38	075304
083580.....	39	077133
085726.....	40	078957
087875.....	41	080776
090026.....	42	082591
092180.....	43	084400
094337.....	44	086205
096497.....	45	088005
098660.....	46	089800
100825.....	47	091590
102993.....	48	093376
105164.....	49	095157
107337.....	50	096933
109514.....	51	098704
111693.....	52	100471
113875.....	53	102233
116059.....	54	103990
118247.....	55	105743
120437.....	56	107491
122629.....	57	109234
124825.....	58	110973
127023.....	59	112707
129224.....	60	114436



TABLE 2

Table for use of lender in calculating the proceeds of a loan (face amount less discount) and the amount of monthly payments.

Face Amount of Note	6 Months			12 Months			18 Months			24 Months			30 Months			35 Months			42 Months			48 Months			54 Months			60 Months		
	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment				
																											\$	cts.	\$	cts.
1	0.99	0.17	0.08	0.97	0.15	0.07	0.95	0.16	0.06	0.93	0.16	0.06	0.91	0.16	0.06	0.89	0.16	0.06	0.87	0.16	0.06	0.85	0.16	0.06	0.83	0.16	0.06	0.81	0.16	0.06
2	1.97	0.33	0.13	1.92	0.31	0.13	1.89	0.31	0.12	1.86	0.31	0.12	1.83	0.31	0.12	1.80	0.31	0.12	1.77	0.31	0.12	1.74	0.31	0.12	1.71	0.31	0.12	1.68	0.31	0.12
3	2.96	0.50	0.20	2.89	0.47	0.20	2.85	0.47	0.19	2.80	0.47	0.19	2.75	0.47	0.19	2.70	0.47	0.19	2.65	0.47	0.19	2.60	0.47	0.19	2.55	0.47	0.19	2.50	0.47	0.19
4	3.94	0.67	0.27	3.86	0.63	0.27	3.78	0.63	0.26	3.70	0.63	0.26	3.62	0.63	0.26	3.54	0.63	0.26	3.46	0.63	0.26	3.38	0.63	0.26	3.30	0.63	0.26	3.22	0.63	0.26
5	4.93	0.83	0.34	4.83	0.78	0.34	4.74	0.78	0.33	4.64	0.78	0.33	4.55	0.78	0.33	4.45	0.78	0.33	4.36	0.78	0.33	4.26	0.78	0.33	4.16	0.78	0.33	4.06	0.78	0.33
6	5.92	1.00	0.41	5.80	0.94	0.41	5.69	0.94	0.40	5.58	0.94	0.40	5.47	0.94	0.40	5.36	0.94	0.40	5.25	0.94	0.40	5.14	0.94	0.40	5.03	0.94	0.40	4.92	0.94	0.40
7	6.90	1.17	0.48	6.77	1.11	0.48	6.65	1.11	0.47	6.52	1.11	0.47	6.40	1.11	0.47	6.27	1.11	0.47	6.14	1.11	0.47	6.01	1.11	0.47	5.88	1.11	0.47	5.75	1.11	0.47
8	7.89	1.33	0.55	7.75	1.26	0.55	7.61	1.26	0.54	7.47	1.26	0.54	7.33	1.26	0.54	7.19	1.26	0.54	7.05	1.26	0.54	6.91	1.26	0.54	6.77	1.26	0.54	6.63	1.26	0.54
9	8.87	1.50	0.62	8.72	1.41	0.62	8.56	1.41	0.61	8.41	1.41	0.61	8.25	1.41	0.61	8.10	1.41	0.61	7.94	1.41	0.61	7.79	1.41	0.61	7.63	1.41	0.61	7.48	1.41	0.61
10	9.85	1.67	0.69	9.68	1.55	0.69	9.51	1.55	0.68	9.34	1.55	0.68	9.17	1.55	0.68	9.00	1.55	0.68	8.83	1.55	0.68	8.66	1.55	0.68	8.49	1.55	0.68	8.32	1.55	0.68
20	19.70	3.33	1.37	19.36	3.24	1.37	19.01	3.24	1.36	18.66	3.24	1.36	18.31	3.24	1.36	17.96	3.24	1.36	17.61	3.24	1.36	17.26	3.24	1.36	16.91	3.24	1.36	16.56	3.24	1.36
30	29.55	5.00	2.05	29.00	4.86	2.05	28.45	4.86	2.04	27.90	4.86	2.04	27.35	4.86	2.04	26.80	4.86	2.04	26.25	4.86	2.04	25.70	4.86	2.04	25.15	4.86	2.04	24.60	4.86	2.04
40	39.40	6.67	2.73	38.64	6.48	2.73	37.88	6.48	2.72	37.12	6.48	2.72	36.36	6.48	2.72	35.60	6.48	2.72	34.84	6.48	2.72	34.08	6.48	2.72	33.32	6.48	2.72	32.56	6.48	2.72
50	49.25	8.33	3.41	48.39	8.11	3.41	47.53	8.11	3.40	46.67	8.11	3.40	45.81	8.11	3.40	44.95	8.11	3.40	44.09	8.11	3.40	43.23	8.11	3.40	42.37	8.11	3.40	41.51	8.11	3.40
60	59.10	10.00	4.09	58.14	9.79	4.09	57.18	9.79	4.08	56.22	9.79	4.08	55.26	9.79	4.08	54.30	9.79	4.08	53.34	9.79	4.08	52.38	9.79	4.08	51.42	9.79	4.08	50.46	9.79	4.08
70	68.95	11.67	4.77	67.89	11.34	4.77	66.83	11.34	4.76	65.77	11.34	4.76	64.71	11.34	4.76	63.65	11.34	4.76	62.59	11.34	4.76	61.53	11.34	4.76	60.47	11.34	4.76	59.41	11.34	4.76
80	78.80	13.33	5.45	77.64	13.00	5.45	76.48	13.00	5.44	75.32	13.00	5.44	74.16	13.00	5.44	73.00	13.00	5.44	71.84	13.00	5.44	70.68	13.00	5.44	69.52	13.00	5.44	68.36	13.00	5.44
90	88.65	15.00	6.13	87.39	14.67	6.13	86.13	14.67	6.12	84.87	14.67	6.12	83.61	14.67	6.12	82.35	14.67	6.12	81.09	14.67	6.12	79.83	14.67	6.12	78.57	14.67	6.12	77.31	14.67	6.12
100	98.50	16.67	6.81	97.14	16.34	6.81	95.79	16.34	6.80	94.44	16.34	6.80	93.09	16.34	6.80	91.74	16.34	6.80	90.39	16.34	6.80	89.04	16.34	6.80	87.69	16.34	6.80	86.34	16.34	6.80
110	108.35	18.33	7.49	106.89	18.00	7.49	105.43	18.00	7.48	103.97	18.00	7.48	102.51	18.00	7.48	101.05	18.00	7.48	99.59	18.00	7.48	98.13	18.00	7.48	96.67	18.00	7.48	95.21	18.00	7.48
120	118.20	20.00	8.17	116.64	19.67	8.17	115.08	19.67	8.16	113.52	19.67	8.16	111.96	19.67	8.16	110.40	19.67	8.16	108.84	19.67	8.16	107.28	19.67	8.16	105.72	19.67	8.16	104.16	19.67	8.16
130	128.05	21.67	8.85	126.39	21.34	8.85	124.73	21.34	8.84	123.07	21.34	8.84	121.41	21.34	8.84	119.75	21.34	8.84	118.09	21.34	8.84	116.43	21.34	8.84	114.77	21.34	8.84	113.11	21.34	8.84
140	137.90	23.33	9.53	136.43	23.00	9.53	134.77	23.00	9.52	133.11	23.00	9.52	131.45	23.00	9.52	129.79	23.00	9.52	128.13	23.00	9.52	126.47	23.00	9.52	124.81	23.00	9.52	123.15	23.00	9.52
150	147.75	25.00	10.21	146.18	24.67	10.21	144.52	24.67	10.20	142.86	24.67	10.20	141.20	24.67	10.20	139.54	24.67	10.20	137.88	24.67	10.20	136.22	24.67	10.20	134.56	24.67	10.20	132.90	24.67	10.20
160	157.60	26.67	10.89	155.92	26.34	10.89	154.26	26.34	10.88	152.60	26.34	10.88	150.94	26.34	10.88	149.28	26.34	10.88	147.62	26.34	10.88	145.96	26.34	10.88	144.30	26.34	10.88	142.64	26.34	10.88
170	167.45	28.33	11.57	165.95	28.00	11.57	164.29	28.00	11.56	162.63	28.00	11.56	160.97	28.00	11.56	159.31	28.00	11.56	157.65	28.00	11.56	155.99	28.00	11.56	154.33	28.00	11.56	152.67	28.00	11.56
180	177.30	30.00	12.25	175.70	29.67	12.25	174.04	29.67	12.24	172.38	29.67	12.24	170.72	29.67	12.24	169.06	29.67	12.24	167.40	29.67	12.24	165.74	29.67	12.24	164.08	29.67	12.24	162.42	29.67	12.24
190	187.15	31.67	12.93	185.45	31.34	12.93	183.79	31.34	12.92	182.13	31.34	12.92	180.47	31.34	12.92	178.81	31.34	12.92	177.15	31.34	12.92	175.49	31.34	12.92	173.83	31.34	12.92	172.17	31.34	12.92
200	197.00	33.33	13.61	195.30	33.00	13.61	193.64	33.00	13.60	191.98	33.00	13.60	190.32	33.00	13.60	188.66	33.00	13.60	187.00	33.00	13.60	185.34	33.00	13.60	183.68	33.00	13.60	182.02	33.00	13.60
210	206.85	35.00	14.29	204.95	34.67	14.29	203.29	34.67	14.28	201.63	34.67	14.28	199.97	34.67	14.28	198.31	34.67	14.28	196.65	34.67	14.28	194.99	34.67	14.28	193.33	34.67	14.28	191.67	34.67	14.28
220	216.70	36.67	14.97	214.80	36.34	14.97	213.14	36.34	14.96	211.48	36.34	14.96	209.82	36.34	14.96	208.16	36.34	14.96	206.50	36.34	14.96	204.84	36.34	14.96	203.18	36.34	14.96	201.52	36.34	14.96
230	226.55	38.33	15.65	224.65	38.00	15.65	222.99	38.00	15.64	221.33	38.00	15.64	219.67	38.00	15.64	218.01	38.00	15.64	216.35	38.00	15.64	214.69	38.00	15.64	213.03	38.00	15.64	211.37	38.00	15.64
240	236.40	40.00	16.33	234.50	39.67	16.33	232.84	39.67	16.32	231.18	39.67	16.32	229.52	39.67	16.32	227.86	39.67	16.32	226.20	39.67	16.32	224.54	39.67	16.32	222.88	39.67	16.32	221.22	39.67	16.32
250	246.25	41.67	17.01	244.35	41.34	17.01	242.69	41.34	17.00	241.03	41.34	17.00	239.37	41.34	17.00	237.71	41.34	17.00	236.05	41.34	17.00	234.39	41.34	17.00	232.73	41.34	17.00	231.07	41.34	17.00
260	256.10	43.33	17.69	254.20	43.00	17.69	252.54	43.00	17.68	250.88	43.00	17.68	249.22	43.00	17.68	247.56	43.00	17.68	245.90	43.00	17.68	244.24	43.00	17.68	242.58	43.00	17.68	240.92	43.00	17.68
270	265.95	45.00	18.37	264.05	44.67	18.37	262.39	44.67	18.36	260.73	44.67	18.36	259.07	44.67	18.36	257.41	44.67	18.36	255.75	44.67	18.36	254.09	44.67	18.36	252.43	44.67	18.36	250.77	44.67	18.36
280	275.80	46.67	19.05	273.90	46.34	19.05	272.24	46.34	19.04	270.58	46.34	19.04	268.92	46.34	19.04	267.26	46.34	19.04	265.60	46.34	19.04	263.94	46.34	19.04	262.28	46.34	19.04	260.62	46.34	19.04
290	285.65	48.33	19.73	283.75	48.00	19.73	281.85	48.00	19.72	280.19	48.00																			

**National Housing Act—continued**

**2. Regulations *re* loans under Parts I and II of The National Housing Act**

P.C. 6129

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 6th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Reconstruction and Supply and pursuant to the provisions of The National Housing Act, 1944, is pleased to order as follows:

1. The Regulations under Parts I and II of The National Housing Act, 1944, established by Order in Council P.C. 3138 of 20th July, 1948, as amended, are hereby revoked; and

2. The annexed "Regulations under Parts I and II of The National Housing Act, 1944" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

REGULATIONS UNDER PARTS I AND II OF THE NATIONAL HOUSING ACT, 1944

1. Words and expressions used in these Regulations shall, unless a contrary intention is indicated, have the same meaning as in The National Housing Act, 1944.

2. Subject to regulation 3 hereof, a joint loan made to assist in the construction of a one-family dwelling shall not exceed Eight Thousand Five Hundred Dollars (\$8,500.00).

3. In the case of a one-family dwelling designed to have not more than four standard rooms, the said joint loan shall not exceed Five Thousand Dollars (\$5,000.00) where the said dwelling comprises an area of seven hundred and fifty square feet or less, but the said joint loan may be increased by Four Dollars (\$4.00) per square foot for each square foot by which the said dwelling exceeds seven hundred and fifty square feet in area, but not exceeding a maximum of Six Thousand Two Hundred Dollars (\$6,200.00); provided that in outlying areas where the costs of construction are higher because of the location of the area and where collateral security satisfactory to the Corporation is provided in addition to the first mortgage on the said dwelling to secure the said loan, the said amounts with the approval of the Corporation may be increased.

**National Housing Act**—*continued*

4. A joint loan made under section 4 of The National Housing Act, 1944, to assist in the construction of a duplex shall not exceed Eleven Thousand Six Hundred Dollars (\$11,600.00) where such duplex has installed therein fixed and immovable heating equipment and where such fixed and immovable heating equipment is not so provided the said amount shall be reduced accordingly. "Duplex" means a house containing two family housing units built one above the other, with separate entrances.

5. (a) A joint loan made to assist in the construction of a fully serviced multiple family dwelling shall, in respect of the family housing units therein, not exceed a maximum of Four Thousand Eight Hundred Dollars (\$4,800.00) per unit where the average size of the units in the said multiple family dwelling is eight hundred square feet; provided that where the principal amount of the loan is to be repaid at an average rate of not less than five per centum per annum during the first five years of the term of the loan such maximum shall be—

- (i) in the case of non-fireproof construction Five Thousand Three Hundred Dollars (\$5,300.00) per unit; and
- (ii) in the case of a project, the construction of which is superior to non-fireproof construction, the maximum shall be increased accordingly, but shall not exceed Five Thousand Seven Hundred Dollars (\$5,700.00) per unit for fully fireproof construction.

- (b) Where the average size of the said units is more than eight hundred square feet the said maximum per unit shall be increased as follows:

- (i) in the case of a multiple family dwelling that qualifies for a maximum loan of Four Thousand Eight Hundred Dollars (\$4,800.00) per unit only for eight hundred square feet by Three Dollars and Seventy-Five Cents (\$3.75) for each square foot by which the said average exceeds eight hundred square feet, but such maximum shall not in any event exceed Five Thousand Five Hundred and Fifty Dollars (\$5,550.00) per unit;
- (ii) in the case of a multiple family dwelling that qualifies for a maximum loan of Five Thousand Three Hundred Dollars (\$5,300.00) per unit only for eight hundred square feet by Four Dollars and Fifty Cents (\$4.50) for each square foot by which the said average exceeds eight hundred square feet, but such maximum shall not in any event exceed Six Thousand Two Hundred Dollars (\$6,200.00) per unit;
- (iii) in the case of a multiple family dwelling that qualifies for a maximum loan of Five Thousand Seven Hundred Dollars (\$5,700.00) per unit only for eight hundred square feet by Five Dollars (\$5.00) for each square foot by which the said average exceeds eight hundred square feet, but such maximum shall not in any event exceed Six Thousand Seven Hundred Dollars (\$6,700.00) per unit.

- (c) Where the average size of the said units is less than eight hundred square feet the said maximum per unit shall be decreased as follows:

- (i) in the case of a multiple family dwelling that qualifies for a maximum loan of Four Thousand Eight Hundred Dollars



**National Housing Act—continued**

- (i) (\$4,800.00) per unit only for eight hundred square feet by Two Dollars and Fifty Cents (\$2.50) for each square foot by which the said average is less than eight hundred square feet;
- (ii) in the case of a multiple family dwelling that qualifies for a maximum loan of Five Thousand Three Hundred Dollars (\$5,300.00) per unit only for eight hundred square feet by Three Dollars and Twenty Cents (\$3.20) for each square foot by which the said average is less than eight hundred square feet;
- (iii) in the case of a multiple family dwelling that qualifies for a maximum loan of Five Thousand Seven Hundred Dollars (\$5,700.00) per unit only for eight hundred square feet by Three Dollars and Seventy Cents (\$3.70) for each square foot by which the said average is less than eight hundred square feet.
- (d) Where a rental housing project, the construction of which is being assisted by a loan under section 8 of the Act, contains in addition to the family housing units thereof garages and commercial buildings and where the municipal services pertinent to the project are fully paid for at the date of completion of the project, the loan may be increased above the amount allowed in respect of the said family housing units therein by an amount not exceeding eighty per cent of the estimated costs of such garages, commercial buildings and municipal services.
- (e) A fully serviced unit is a unit supplied with heating, hot and cold water, stove, refrigerator and full janitor service, and, to the extent that the units of a project referred to in paragraph (a) are not fully serviced, the said maximum referred to in the said paragraph shall be reduced accordingly.
- (f) For calculating the average area per unit for the purposes of this regulation, the number of units in the multiple family dwelling is to be divided into the total floor area (excluding basement used for other than living quarters) measured from the outside face of exterior walls.

6. For the purpose of The National Housing Act, 1944, a long term lease is a lease the term of which extends after the date of a mortgage taken under the said Act in respect of the land included in the lease for a period of forty years either by the provisions of an original lease, or as a result of irrevocable option to renew in favour of the lessee contained in the original lease.

7. No charge for obtaining a joint loan shall be payable by a borrower save the following:

- (a) Solicitor's or Notary's fee and disbursements:
  - (i) for searching the title to the property;
  - (ii) for preparing and registering the mortgage or hypothec and necessary copies thereof;
  - (iii) for sub-searches of title necessary for the purpose of advances;
  - (iv) for preparing, registering and renewing chattel mortgages and other security;



**National Housing Act—continued**

- (b) A charge for appraisal and inspection of Twenty Dollars (\$20.00) for a joint loan in the case of a one-family dwelling and Thirty-Five Dollars (\$35.00) for a joint loan in the case of an owner-occupied duplex; provided that in the case of a housing development of one-family dwellings financed under Part I of the Act the appraisal and inspection fee shall be Twenty Dollars (\$20.00) per housing unit up to and including fifty housing units; Eighteen Dollars (\$18.00) for each housing unit in excess of fifty up to and including one hundred; Sixteen Dollars (\$16.00) for each housing unit in excess of one hundred up to and including one hundred and fifty; Fourteen Dollars (\$14.00) for each housing unit in excess of one hundred and fifty up to and including two hundred, and Twelve Dollars (\$12.00) for each housing unit in excess of two hundred.
- (c) A charge for appraisal and inspections in the case of a rental housing project of Twenty Dollars (\$20.00) for the first housing unit, Fifteen Dollars (\$15.00) for the second housing unit, Ten Dollars (\$10.00) for the third housing unit, and Five Dollars (\$5.00) for each additional housing unit.

8. For the purpose of determining the credits to be made to a loss guarantee account established under an agreement between His Majesty the King in right of Canada, represented by Central Mortgage and Housing Corporation, and an approved lending institution made pursuant to the provisions of Part I and section 8 of Part II of The National Housing Act, 1944, areas in Canada are hereby designated as Category One and Category Two, as follows:

**CATEGORY ONE****NEWFOUNDLAND**

*Greater St. John's* (including: City of St. John's, the Municipality of St. John's, the adjoining lands of the St. John's Housing Corporation, the land adjoining the City of St. John's and extending for a distance of one mile beyond the boundary limits of the Municipality).

**PRINCE EDWARD ISLAND**

Charlottetown.

**NOVA SCOTIA**

*Greater Halifax* (including City of Halifax, Bedford Basin Polling Division including Rockingham; Dartmouth; Ferguson's Cove Polling Division; Northwest Arm Polling Division including Fairview, Armdale and Jollimore; Tuft's Cove Polling Division, and Woodside Polling Division).

Kentville

Truro

**NEW BRUNSWICK**

*Greater Saint John* (including City of Saint John; Rothesay; Lancaster Parish; Simmonds Parish including Brookville; Coldbrook; East Saint John; Golden Grove; Glen Falls, and Torryburn).

Fredericton

Moncton

**QUEBEC**

*Greater Montreal* (including: Montreal Island; Longueuil; St. Lambert and Montreal South).

**National Housing Act—continued**

*Greater Quebec* (including: City of Quebec; Town of Beauport; Beauport East; Charlesbourg; Giffard; La Petite-Riviere Parish; Lauzon; Levis; Montmorency; Quebec West; St. Colomb-de-Sillery; Ste. Foy, and St. Michel-Archange (Mastai) ).

Buckingham	Hull	St. Jerome
Chicoutimi	Lennoxville	St. Jean (St. John)
Cowansville	Magog	Shawinigan Falls
Drummondville	Richmond	Sherbrooke
Granby	St. Hyacinthe	Trois Rivières
		Windsor

**ONTARIO**

*Greater Hamilton* (including: City of Hamilton; Ancaster Twp.; Barton Twp.; Saltfleet Twp.).

*Greater London* (including: City of London; London Twp.; Westminster Twp.).

*Greater Ottawa* (including: City of Ottawa; Eastview; Gloucester Twp.; including Billing's Bridge, Cyrville and Overbrook; Nepean Twp.; including Highland Park, Westboro, Woodroffe and Britannia Heights; Rockcliffe).

*Greater Toronto* (including: City of Toronto; Etobicoke Twp.; Forest Hill; Leaside; Long Branch; Mimico, New Toronto; Scarborough; Swansea; Weston; York Twp.; East York Twp.; North York Twp.).

Belleville	Grimsby	Owen Sound	Sarnia
Brampton	Guelph	Pembroke	Simcoe
Brantford	Ingersoll	Perth	Smith's Falls
Brockville	Kingston	Peterborough	Stratford
Burlington	Kitchener	Port Arthur	Sudbury
Chatham	Leamington	Port Credit	Tillsonburg
Cobourg	Lindsay	Port Hope	Wallaceburg
Cornwall	Napanee	Port Nelson	Waterloo
Dundas	Newmarket	Preston	Welland
Fort William	Niagara Falls	Richmond Hill	Whitby
Galt	Oakville	St. Catharines	Woodstock
Gananoque	Oshawa	St. Thomas	

**MANITOBA**

*Greater Winnipeg* (including: City of Winnipeg; Brooklands; Fort Garry; Kildonan East; Kildonan North; Kildonan West; Old Kildonan; St. Boniface; St. James; St. Vital; Tuxedo; Assinaboia; Charleswood).

**SASKATCHEWAN**

Regina  
Saskatoon

**ALBERTA**

Calgary  
Edmonton  
Lethbridge

**BRITISH COLUMBIA**

*Greater Vancouver* (including: City of Vancouver; Burnaby District; New Westminster; North Vancouver; North Vancouver District; University Endowment Area; West Vancouver District).

*Greater Victoria* (including: City of Victoria; Esquimalt; Oak Bay; Saanich).

**National Housing Act—continued****CATEGORY TWO**

All areas in Canada not listed in Category One are designated Category Two.

9. Before a joint loan is approved by the Corporation pursuant to subsection (4) of section 8 of the Act, repayable over a period in excess of twenty-five years but not exceeding thirty years, the Corporation shall satisfy itself that—

- (a) Units of the rental housing project in respect of which the loan is being made—
  - (i) have an average of not less than three and one-half standard rooms and bathroom;
  - (ii) have an average of one and one-half bedrooms;
  - (iii) have an average area of not less than seven hundred square feet (for calculating the area per unit in a multiple project the number of units is to be divided into the total floor area (excluding basement used for other than living quarters) measured from the outside face of the exterior walls);
- (b) The rental to be charged for the housing units is not, during the first three years after the completion of the project, to exceed the maximum rentals specified in regulation 14 hereof.
- (c) The mortgagor has agreed to give a preference to veterans in the original occupancy of completed units;
- (d) In addition to the instalments provided for in the mortgage for the said joint loan the mortgagor agrees to make a prepayment to the mortgagee amounting to one-third of the extra depreciation that may be allowed pursuant to Order in Council P.C. 3882, of September 9, 1948 (or any amendment thereof or substitution therefor) relating to rates of depreciation for rental housing projects.

10. The Corporation may approve the assignment of the interest of an approved lending institution in a joint loan to another approved lending institution and may at the time of such assignment deduct from the pool guarantee account of the assignor an amount not exceeding the amount credited to the said account in respect of the said loan, and may credit the pool guarantee account of the assignee with a like amount.

11. The rate of interest payable by a borrower in respect of a loan made pursuant to section 8B of the Act shall not exceed a rate of four and one-quarter per centum per annum calculated semi-annually.

12. The annual premium to be paid by a builder for a guarantee of a return of rentals given under section 8A of the Act shall be

- (a) when the term of the guarantee is ten years, one and three-quarters per centum of the return of rentals guaranteed for the first year after the completion of the project.
- (b) when the term of the guarantee is twenty years, two per centum of the return of rentals guaranteed for the first year after the completion of the project;
- (c) when the term of the guarantee is thirty years, two and one-quarter per centum of the return of rentals guaranteed for the first year after the completion of the project.



**National Housing Act—concluded**

**13.** The units of a rental housing project in respect of which a guarantee of a return of rentals may be given under section 8A of the Act shall

- (a) have an average of not less than three and one-half standard rooms and bathroom;
- (b) have an average of one and one-half bedrooms;
- (c) have an average area of not less than seven hundred square feet (for calculating the area per unit in a multiple project the number of units is to be divided into the total floor area (excluding basement used for other than living quarters) measured from the outside face of the exterior walls).

**14.** (a) The maximum rentals that may be charged in accordance with the agreement between the builder and the Corporation for the family housing units of a project in respect of which a guarantee of a return of rentals is being given under section 8A of the Act for the first three years after the completion of the project shall, subject to the provisos in this paragraph contained, for a fully serviced unit comprising eight hundred square feet, not exceed Eighty Dollars (\$80.00) per month; provided that where the estimated annual municipal taxes (including water tax rates) chargeable in respect of the project exceed two and one-quarter per centum of the cost of the project as determined by the Corporation, or where the building is of fully fireproof construction, the said rents may, in the discretion of the Corporation, be increased but shall not in any event exceed Eighty-Four Dollars (\$84.00) per month for a fully serviced unit comprising eight hundred square feet.

Maximum rentals for fully serviced units varying from the eight hundred square foot base shall be calculated by adding seven cents per month for each square foot by which the area of the unit exceeds eight hundred square feet, and by subtracting five cents per month for each square foot by which the unit is less than eight hundred square feet.

- (b) A fully serviced unit is a unit supplied with heating, hot and cold water, stove, refrigerator and full janitor service.
- (c) In addition to the adjustment of rentals for which provision has been made in this regulation on an area basis, a further adjustment of rentals shall be made to the extent that the unit is not fully serviced.

**15.** The annual return of rentals that may be guaranteed pursuant to section 8A of the Act in respect of a unit shall not exceed eighty-five per cent of the maximum rentals determined in accordance with regulation 14 hereof.

### 3. Standards of Construction

Under Part I of *The National Housing Act, 1944*, (Housing for home-owners) and under Part II (Housing for rental purposes) standards of construction specifying the minimum requirements for (1) detached, semi-detached, duplex and row housing and for (2) apartment buildings, in respect of which loans may be made under the Act, have been prescribed by Central Mortgage and Housing Corporation. These standards have been published in two separate booklets (1) *Building Standards* and (2) *Apartment Building Standards* which may be obtained on application to Central Mortgage and Housing Corporation, Ottawa.



## HOVERING, REGULATIONS RESPECTING

*See CUSTOMS ACT (COASTWISE AND FOREIGN SHIPPING REGULATIONS)*

**IDENTIFICATION OF CRIMINALS ACT. (R.S.C., 1927, c. 38)****Measurements, processes or operations of fingerprinting and photography sanctioned for the purposes of the Act**

P.C. 3965

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of September, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Identification of Criminals Act, as amended by chapter 35 of the Statutes of Canada, 1947, provides that any person in lawful custody, charged with, or under conviction of an indictable offence, or who has been apprehended under the provisions of the Extradition Act or the Fugitive Offenders Act, may be subjected, by or under the direction of those in whose custody he is, to the measurements, processes and operations practised under the system for the identification of criminals commonly known as the Bertillon Signaletic System, or to any measurements, processes or operations sanctioned by the Governor in Council having the like object in view.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Justice and pursuant to the provisions of the Identification of Criminals Act, Revised Statutes of Canada, 1927, chapter 38, as amended, is pleased to revoke and doth hereby revoke Order in Council P.C. 1614 of 21st July, 1908, and Order in Council P.C. 559 of 20th March, 1911.

His Excellency in Council, on the same recommendation and in substitution for the Orders hereby revoked, is pleased to sanction and doth hereby sanction, for the purposes of the Identification of Criminals Act, the measurements, processes or operations of fingerprinting and photography.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**Immigration Act—continued**

**IMMIGRATION ACT. (R.S.C., 1927, c. 93)**

1. *Ports of entry—examination and detention buildings.*
2. *Landing of contract labour prohibited.*
3. *Suspending operation of contract labour Order.*
4. *Immigrants of Asiatic races.*
5. *X-ray examinations.*
6. *Enemy aliens.*
7. *Landing prohibition and exceptions.*
8. *Production of passports.*
9. *Ports of Entry.*
10. *Ports at which immigration facilities are maintained.*

**1. Immigration Ports of Entry—suitable buildings for examination and detention of passengers**

P.C. 269

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 15th day of February, 1911.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency in Council, in virtue of the provisions of section 31, of the Immigration Act, is pleased to order and it is hereby ordered as follows:—

1. It shall be the duty of transportation Companies to provide, equip and maintain suitable buildings for the examination and detention of passengers for any purpose under the Immigration Act at every port of entry and border station designated by the Minister of the Interior of Canada at which they carry on any business.

2. Any transportation Company failing to comply with the foregoing Regulation shall be liable to a penalty not exceeding One Thousand Dollars.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**2. Re landing of immigrants—contract labour**

P.C. 1413

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 7th day of August, 1929.

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

WHEREAS the Minister of Immigration and Colonization reports that within recent months, labour has been brought into Canada under contract or promise of employment, which was not needed in Canada, and which resulted in the displacement of Canadian labour;

**Immigration Act—continued**

THEREFORE the Deputy of the Administrator in Council, on the recommendation of the Minister of Immigration and Colonization and under the authority of section 38 of the Immigration Act, chapter 93, R.S.C. is pleased to order and it is hereby ordered as follows:—

From and after the seventh day of August, 1929 and until otherwise ordered, the landing in Canada of any immigrant of the following specified class, viz., contract labour, is prohibited;

Provided that the Minister of Immigration and Colonization may admit any contract labourer if satisfied that his labour or service is required in Canada;

And Provided further that the provisions of this Order in Council shall not apply to the exclusion of farmers, farm labourers and houseworkers.

The term “contract labour” as used in this order, means and includes any immigrant seeking entry to Canada under contract or agreement, express or implied, to perform labour or service of any kind in Canada.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**3. Operation of contract labour Order suspended**

P.C. 1329

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 11th day of April, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Order in Council P.C. 1413 dated the 7th day of August, 1929, prohibits the landing in Canada of contract labour other than farmers, farm labourers and houseworkers or any contract labourer where the Minister of Mines and Resources is satisfied that his labour or service is required in Canada;

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources, and in view of the present labour situation in Canada, is pleased to order that the operation of the said Order in Council, P.C. 1413, dated the 7th day of August, 1929, be and it is hereby suspended.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**Immigration Act—continued**

**4. Landing in Canada of immigrants of any Asiatic race prohibited**

P.C. 2115

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 16th day of September, 1930.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Immigration and Colonization, is pleased to rescind the regulations made by Order in Council P.C. 182, dated 31st January, 1923, as amended by Order in Council P.C. 1966, dated 14th August, 1930, and they are hereby rescinded accordingly.

His Excellency in Council, on the same recommendation, and having regard to the unemployment conditions now existing in Canada, is pleased to make the following regulations, and they are hereby made and established, under the authority of section 38 of the Immigration Act, viz.,

From and after the 16th August, 1930, and until otherwise ordered, the landing in Canada of any immigrant of any Asiatic race is hereby prohibited, except as hereinafter provided:

The Immigration Officer in Charge may admit any immigrant who otherwise complies with the provisions of the Immigration Act, if it is shown to his satisfaction that such immigrant is,—

The wife or unmarried child under 18 years of age, of any Canadian citizen legally admitted to and resident in Canada, who is in a position to receive and care for his dependents.

Provided that this regulation shall not apply to the nationals of any country in regard to which there is in operation a law, a special treaty, or agreement, or convention regulating immigration.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**5. Immigrants—X-ray examination for Tuberculosis**

P.C. 2951

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 31st day of July, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS in view of the alarming increase of tuberculosis, due to the ravages of war, every safeguard possible should be taken to prevent the spread of this disease in Canada;

Now, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Mines and Resources, is



**Immigration Act—continued**

pleased to order that from and after the first day of October, 1947, immigrants from all countries where the rate of tuberculosis is higher per capita than in Canada be and they are hereby required to have an X-ray film of the chest with Radiologist's report to establish that they are free from tuberculosis.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**6. Enemy aliens—entry into Canada prohibited**

P.C. 4850

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 26th day of November, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources, is pleased to revoke and doth hereby revoke Order in Council P.C. 1373 of April 9, 1946, as amended, which prohibited the landing in Canada of enemy aliens.

His Excellency in Council, on the same recommendation and pursuant to the provisions of section 38 of the Immigration Act, chapter 93, Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:

From and after the date hereof, and until such time as otherwise ordered, the entry to or landing in Canada of enemy aliens is prohibited.

Provided that this Order shall not be held to exclude persons coming within the above defined class who satisfy the Minister of Mines and Resources that they were opposed to an enemy government;

Provided further that this Order shall not be held to exclude the nationals of Finland, Hungary, Italy and Roumania with whose countries peace treaties have been ratified by Canada.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**7. Prohibiting the landing in Canada of immigrants with certain exceptions**

P.C. 2743

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of June, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of section 38 of the Immigration Act, Revised Statutes of Canada, 1927,

**Immigration Act—continued**

chapter 93, is pleased to revoke and doth hereby revoke Order in Council P.C. 4849 of 26th November, 1947 as amended, prohibiting the landing in Canada of immigrants of all classes and occupations, with certain exceptions, and is pleased to make the following Order which is hereby made and established in substitution for the Order hereby revoked:—

**ORDER**

From and after the date hereof and until such time as otherwise ordered, the landing in Canada of immigrants of all classes and occupations is prohibited, except as hereinafter provided:

The Immigration Officer-in-Charge may permit any immigrant who otherwise complies with the provisions of the Immigration Act to land in Canada, if it is shown to the satisfaction of such Officer-in-Charge that such immigrant is:

1. A British subject or a citizen of Ireland entering Canada, directly or indirectly, from the United Kingdom of Great Britain and Northern Ireland, Ireland, Australia, New Zealand, the Union of South Africa or the United States of America who has sufficient means to maintain himself until he has secured employment: Provided that for the purpose of this Regulation the term "British subject" shall mean a person born or naturalized in the United Kingdom of Great Britain and Northern Ireland, Australia, New Zealand or the Union of South Africa, or a citizen of Ireland who has become a citizen of the United Kingdom by registration under the British Nationality Act, 1948.

2. A citizen of the United States of America entering Canada from the United States of America who has sufficient means to maintain himself until he has secured employment.

3. A citizen of France, born therein, and entering Canada from France, who has sufficient means to maintain himself until he has secured employment.

4. The husband or wife; the son, daughter, brother or sister, together with husband or wife and unmarried children; the father or mother; the orphan nephew or niece under 21 years of age; of any person legally resident in Canada who is in a position to receive and care for such relatives. The term "orphan" referred to in this section means a child bereaved of both parents.

5. (a) An agriculturist having sufficient means to farm in Canada.

(b) An agriculturist entering Canada to farm with or with the assistance of his father, father-in-law, son, son-in-law, brother, brother-in-law, uncle or nephew engaged in agriculture as his principal occupation and who is in a position and willing to receive such immigrant and establish him on a farm.

(c) A farm labourer entering Canada to engage in assured farm employment.

(d) A person experienced in mining, lumbering or logging entering Canada to engage in assured employment in any one of such industries.

**Immigration Act—continued**

6. A person entering Canada to marry a legal resident thereof: Provided the prospective husband is able to maintain his intended wife.

7. A person who, having entered Canada as a non-immigrant, enlisted in the Canadian Armed Forces and having served in such Forces, has been honourably discharged.

Provided that immigrants referred to in sections 2, 3 and 5 above are destined for settlement to a province which has not signified its disapproval of such immigration.

Provided further that the provisions hereinabove set out shall not apply to immigrants of any Asiatic race.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**8. Regulation respecting the production of passports by persons seeking to land in Canada**

P.C. 2744

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of June, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of section 37 of the Immigration Act, Revised Statutes of Canada, 1927, chapter 93, is pleased to revoke and doth hereby revoke Order in Council P.C. 4851 of 26th November, 1947, as amended, respecting the production of passports by persons seeking to enter or land in Canada, and is pleased to make the following Regulation which is hereby made and established in substitution for the Order hereby revoked:

REGULATION RESPECTING THE PRODUCTION OF PASSPORTS BY PERSONS SEEKING  
TO ENTER OR LAND IN CANADA

From and after the date hereof every person seeking to enter or land in Canada shall be in possession of an unexpired passport issued by the country of which such person is a subject or citizen; Provided:

1. That this Regulation shall not apply to:

- (a) Persons specifically exempted in section 37 of the Immigration Act;
- (b) British subjects or citizens of Ireland landing in Canada directly or indirectly, from the United Kingdom of Great Britain and Northern Ireland, Ireland, Australia, New Zealand, the Union of South Africa, or the United States of America nor shall it apply to citizens of the United States of America or the citizens of France. The term "British subject" referred to in this section, includes only persons born or naturalized in the United Kingdom of Great Britain and Northern Ireland, Australia, New Zealand, the Union

**Immigration Act—continued**

of South Africa, and citizens of Ireland who have become citizens of the United Kingdom by registration under the British Nationality Act, 1948. The term "citizen of France" referred to in this paragraph, means citizens of France born in France.

2. That the passport of every alien other than defined in paragraph (b) of section 1 of this Regulation sailing directly or indirectly from Europe shall carry the visa of a Canadian Immigration Officer stationed in Europe; Provided that this section shall not apply to the non-immigrant nationals of any country with which Canada has a reciprocal agreement abolishing visas.

3. That the passport of every alien immigrant not included in section 2 of this Regulation shall carry the visa of a British diplomatic or consular officer or of a Canadian diplomatic or consular officer in the country of issue, as may be required by the Minister of Mines and Resources.

4. That a travel document or affidavit establishing the identity of the holder thereof may be accepted in lieu of a passport in the following classes:

- (a) A woman who has become a British subject by reason of marriage to a British subject domiciled in Canada.
- (b) An alien who is a refugee from his country of origin and who is unable to obtain a valid National passport; Provided that every non-immigrant in this class is in possession of a document establishing his admissibility to the country from which he is proceeding to Canada, or to some other country.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**9. Consolidated List of Immigration Ports of Entry**

DEPARTMENT OF MINES AND RESOURCES

IMMIGRATION BRANCH

I, Colin Gibson, Minister of Mines and Resources, in virtue of the power conferred upon me by the Immigration Act, Revised Statutes of Canada 1927, chapter 93, hereby designate the points set out in the attached list ports of entry for the purposes of the Immigration Act.

COLIN GIBSON,  
*Minister of Mines and Resources.*

14th September, 1949.

CONSOLIDATED LIST OF AUTHORIZED IMMIGRATION  
PORTS OF ENTRY

\* Navigation season only.

§ Summer season only.

NEWFOUNDLAND

Argentia  
Bell Island (Wabana)  
Botwood



**Immigration Act**—*continued*

Carbonear  
 \*Corner Brook  
 Fortune  
*Gander* (Includes Gander Lake landing for seaplanes)  
*Goose Bay, Labrador*  
 Grand Bank  
 Harbour Grace  
*Harmon Field* (Stephenville)  
 Port-aux-Basques  
 Port Union  
 \*St. Anthony  
 St. John's (Includes Torbay Airport)  
 St. Lawrence

## NOVA SCOTIA

Dingwall  
 Halifax (Includes Dartmouth Airfield and Dartmouth Base for Sea-  
 plane inspection)  
 Liverpool  
 Louisburg  
 Lunenburg  
*New Glasgow Airport*  
 North Sydney  
 Parrsboro  
 Pictou  
 Shelburne  
 Sydney (Includes Reserve Airfield and Harbour landing for seaplanes)  
 Windsor  
 Yarmouth (Includes Airfield)

## PRINCE EDWARD ISLAND

Charlottetown (Includes Airport and harbour landing for seaplanes)  
*Summerside Airfield* (Includes harbour landing for seaplanes)

## NEW BRUNSWICK

Andover  
 Aroostook Junction  
 \*Bathurst  
 Belleville  
 Bloomfield  
 Brown Road  
 Campbellton (Includes Cross Point river landing for seaplanes)  
 Campobello  
 Centreville  
 \*Chatham (Includes Chatham Airfield)  
 §Chocolate Cove, Deer Island  
 Clair  
 Connors  
 Dalhousie  
 Edmundston  
 Forest City  
 Fosterville  
 Four Falls  
*Fredericton* (Municipal Public Seaplane Port and Airport)  
 Gillespie

**Immigration Act—continued**

Grand Falls (Includes airfield)  
 McAdam  
 Milltown  
*Moncton Airport*  
 \*Newcastle  
 North Head, Grand Manan  
 River de Chute  
 St. Andrews (Includes harbour landing for seaplanes)  
 St. Croix  
 Saint John (Includes Pennfield Ridge Airport and Millidgeville sea-  
 plane base)  
 St. Leonard (Includes river landing for seaplanes)  
 St. Stephen  
 Union Corner  
 Union Mills  
 Upper Mills  
 Welchpool  
 Wilson's Beach  
 Woodstock Road

PROVINCE OF QUEBEC

Abercorn  
 Armstrong  
*Baie Comeau Airport* (Includes seaplane landing)  
 Beebe  
 Beebe Junction  
 Cantic  
 §Chartierville  
 Clarenceville  
 Comin's Mills  
 Covey Hill  
 Dundee  
 §East Pinnacle  
 Franklin Centre  
 Frelighsburg  
 Glen Sutton  
 Hemmingford  
 Henrysburg  
 Herdman  
 Hereford Road  
 Highwater  
 Huntingdon  
 Jamieson's Lines  
 Lacolle  
 §Lake Memphremagog  
 Leadville  
 Mansonville  
 Megantic (Includes Airfield and seaplane landing on Lake Megantic)  
*Mont Joli Airport*  
 \*Montreal (Includes Cartierville Airport and seaplane base at  
 Longueuil)  
*Montreal Airport, Dorval, P.Q.*  
 Morse's Line  
 Noyan  
 Phillipsburg  
 \*Port Alfred

**Immigration Act**—*continued*

- \*Quebec City (Includes Wolfe's Cove and Ancienne Lorette Airport)
- Rock Island
- Roxham Road
- St. Armand
- §St. John's
- Seven Islands Airport (Includes Lake Rapide landing for seaplanes)
- \*Sorel
- Stanhope
- Sutton
- \*Three Rivers (Includes Airfield and seaplane landing)
- Trout River
- Woburn

## ONTARIO

- Amherstburg
- §Basswood Lake (Seaplane landing)
- Blind River
- \*Britt (Includes river landing for seaplanes)
- Brockville (Includes river landing for seaplanes)
- Cobourg
- Cornwall
- Courtright
- §Crystal Beach
- §Cyclone Island (Includes landing for seaplanes)
- \*Erieau
- Fort Erie North
- Fort Erie South
- Fort Frances
- Fort William (Includes Lakehead Airport)
- Gananoque (Includes Airfield and river landing for seaplanes)
- Goderich (Includes Airfield and harbour landing for seaplanes)
- §Gravenhurst Airport (Includes harbour landing for seaplanes)
- Hamilton (Includes Mount Hope and Municipal Airports and harbour landing for seaplanes)
- Ivy Lea
- \*Jackfish
- Kenora (Includes Airfield and harbour landing for seaplanes)
- Kingston (Includes Airport and harbour landing for seaplanes)
- Kingsville
- Lansdowne
- Leamington
- Little Current
- London (Includes London City, Crumlin and Lambeth Airports)
- Marathon
- Michipicoten Harbour
- Midland (Includes seaplane landing base)
- Morrisburg
- Niagara Falls
- Niagara-on-the-Lake
- North Bay Airport (Includes Trout Lake harbour landing for seaplanes)
- Ottawa Airport Rockcliffe (Includes river landing for seaplanes)
- Ottawa Airport (Uplands)
- Owen Sound (Includes harbour landing for seaplanes)
- Parry Sound (Includes harbour landing for seaplanes)
- Pelee Island

**Immigration Act**—*continued*

Penetanguishene  
*Picton Airfield* (Includes harbour landing for seaplanes)  
 Pigeon River  
 Port Arthur  
 Port Colborne  
 Port Dover  
 Port Lambton  
 Port McNicol  
 Port Stanley  
 Prescott  
 Queenston  
 Rainy River (Includes river landing for seaplanes)  
 \*Red Rock  
 Rockport  
 §Saganaga Lake (Seaplane landing)  
 §Sandpoint Lake (Seaplane landing)  
 Sarnia (Includes Point Edward and landing for seaplanes)  
 Sault Ste. Marie (Includes seaplane base)  
 Sombra  
 Stag Island  
 Toronto (Includes Harbour Commissioners' Airport, Malton Airport  
                   and Toronto Flying Club Airdrome)  
 Walpole Island  
 West Dock, Pelee Island  
 Windsor (Includes Sandwich and Windsor Airports and landing for  
                   seaplanes)

MANITOBA

Boissevain  
*Brandon Airport*  
 Cartwright  
 Churchill  
 Coulter  
 Crystal City  
 Emerson  
 Goodlands  
 Gretna  
 Haskett  
 Lena  
 Lyleton  
 Middlebro  
 Piney  
 Snowflake  
 South Junction  
 Sprague  
 Windygates  
 Winnipeg (Includes Stevenson Airport and Red River landing for sea-  
                   planes)

SASKATCHEWAN

Big Beaver  
 East Poplar River  
 Elmore  
*Estevan Airport*  
 Estevan Highway  
 Marienthal



**Immigration Act**—*continued*

Monchy  
 Moose Jaw Airport  
 Northgate  
 North Portal  
 Oungre  
 Regina Municipal Airport  
 Regway  
 Swift Current Airport  
 Treelon  
 West Poplar River  
 Willow Creek

## ALBERTA

Aden  
*Calgary Airport*  
 Carway  
 §Chief Mountain  
 Coutts  
 Del Bonita  
*Edmonton Airport* (Includes South Cooking Lake landing for sea-  
     planes)  
*Lethbridge Municipal Airport*  
*Medicine Hat Airport*  
 §Waterton Lakes (Includes landing for seaplanes)  
 Wild Horse

## BRITISH COLUMBIA

Aldergrove  
 Boundary Bay  
 Britannia Beach  
 Carson  
 Cascade  
 Chemainus  
*Chilliwack Airport*  
 Cranbrook Airport (Includes Moyie Lake landing for seaplanes)  
 Douglas  
 Flat Head  
*Grand Forks Airfield*  
 Huntingdon  
 Keremeos  
 Kingsgate  
 Massett Inlet (Seaplane landing)  
 Midway  
 Nanaimo  
 Nelway  
 New Westminster  
 Ocean Falls  
 Osoyoos  
 Pacific Highway  
 Paterson  
*Penticton Airport* (Includes Okanagan Lake landing for seaplanes)  
 Port Alberni  
 Port Hardy (Includes Port Hardy Bay landing for seaplanes)  
 Powell River (Includes Seal Cove landing for seaplanes)  
 Prince George  
 Prince Rupert

**Immigration Act—continued**

Quatsino  
 Roosville  
 Rykerts  
 Sidney  
 Stewart  
 §Stickeen (Includes seaplanes landing at Wrangell, Alaska)  
 Tulsequah  
 Union Bay  
 Vancouver  
*Vancouver Municipal Airport* (Includes seaplane base)  
 Victoria  
 Waneta  
 White Pass  
 White Rock

YUKON TERRITORY

*Carcross Airport*  
 Dawson (Includes Airfield and river landing for seaplanes)  
 Old Crow (Seaplane landing)  
 Snag Creek  
 White Horse

NORTH WEST TERRITORIES

*Aklavik Airport* (Includes river landing for seaplanes)

**10. List of Ports at which immigration examination facilities  
 are maintained**

DEPARTMENT OF MINES AND RESOURCES

IMMIGRATION BRANCH

I, Colin Gibson, Minister of Mines and Resources, in virtue of the power conferred upon me by Section 31 of the Immigration Act Revised Statutes of Canada, 1927, chapter 93, and under the provisions of Order-in-Council P.C. 269, dated the 15th day of February, 1911, hereby designate the following ports of entry as places to which the above Order-in-Council shall apply:—

NEW BRUNSWICK—

Aroostook Junction, McAdam.

QUEBEC—

Beebe Junction, Cantic, Huntingdon, Lacolle, Megantic, Montreal, St. Armand, St. Johns, Stanhope, Sutton.

ONTARIO—

Brockville, Cobourg, Cornwall, Crystal Beach, Fort Erie North, Fort Erie South, Fort Frances, Fort William, Hamilton, Kingston, Lansdowne, Niagara Falls, Port Arthur, Prescott, Queenston, Rainy River, Sarnia, Sault Ste. Marie, Toronto, Windsor.

MANITOBA—

Emerson, Gretna, Sprague.

**Immigration Act**—*concluded*

SASKATCHEWAN—

Northgate, North Portal.

ALBERTA—

Coutts.

BRITISH COLUMBIA—

Cascade, Huntingdon, Kingsgate, Sidney, Stewart, Waneta, White Pass,  
White Rock.

COLIN GIBSON,

*Minister of Mines and Resources.*

14th September, 1949.

## IMPORT PERMITS

*See* EXPORT AND IMPORT PERMITS ACT.**INCOME TAX ACT (1948, c. 52)**

1. *Income Tax Regulations.*
2. *Form of Advertisement, Patronage Payment.*

**1. The Income Tax Regulations**

P.C. 6471

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 22nd day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and by virtue of the powers conferred by section 106 of The Income Tax Act, chapter 52 of the Statutes of Canada, 1948, is pleased to order as follows:

1. The regulations made under The Income Tax Act and established by the following Orders in Council are hereby revoked:

P.C. 150 of 18th January, 1949,  
P.C. 347 of 27th January, 1949,  
P.C. 1423 of 24th March, 1949,  
P.C. 1913 of 26th April, 1949,  
P.C. 3726 of 26th July, 1949,  
P.C. 6385 of 21st December, 1949.

2. The regulations annexed hereto entitled "The Income Tax Regulations" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

**Income Tax Act—continued**

THE INCOME TAX REGULATIONS

PART I

TAX DEDUCTION

**100.** (1) In this Part and in Schedule A to these Regulations,

- (a) “employee” means any person receiving remuneration;
- (b) “employer” means any person paying remuneration;
- (c) “exemptions” means the aggregate of the deductions to which an employee claims to be entitled under section 25 of the Act, as shown on the return filed with the employer in accordance with the provisions of subsection (2) of section 112 of the Act;
- (d) “remuneration” includes salary or wages, a superannuation or pension benefit (including an annuity payment made pursuant to or under a superannuation or pension fund or plan), a retiring allowance and director’s fees.

(2) In Schedule A to these Regulations, “income” means “remuneration” as defined in subsection (1) of this section.

**101.** For the purposes of this Part, where an employer retains from a payment of remuneration an amount contributed by the employee to or under an approved superannuation fund or plan, the balance remaining after deducting the amount retained shall be deemed to be the amount of remuneration paid.

**102.** (1) Except as otherwise provided in this Part, the amount to be deducted under subsection (1) of section 44 of the Act shall be determined in accordance with the Table of Tax Deductions (Table 6) set forth in Schedule A to these Regulations, having regard to the amount of remuneration paid to an employee, the length of the pay period and the employee’s exemptions.

(2) Where the pay period is not one for which provision is made in Schedule A, the amount to be deducted shall be as the Minister may determine.

(3) In lieu of making the deductions in accordance with subsection (1) an employer may, with the approval of the Minister, make a deduction from each payment equal to that proportion of the payment that the tax on the estimated total annual remuneration of the employee, calculated at the prevailing rates, is of the estimated total annual remuneration.

**103.** (1) Where a payment in respect of a bonus or retroactive increase in remuneration is made to an employee whose total remuneration (including the bonus or retroactive increase) will not exceed \$5,000 in the calendar year, the employer may deduct 15 per cent of such payment in lieu of the amount determined under Schedule A; provided that if such total remuneration does not exceed the employee’s exemptions no deduction need be made from such payment.

(2) Where a payment in respect of a bonus or retroactive increase in remuneration is made to an employee whose total remuneration (including the bonus or retroactive increase) will exceed \$5,000 in the calendar year, the amount to be deducted is



**Income Tax Act**—*continued*

- (a) the amount determined under Schedule A in respect of an assumed remuneration equal to
  - (i) the regular remuneration, plus
  - (ii) an amount equal to the lump sum payment divided by the number of pay periods in the year

minus

- (b) the amount determined under Schedule A in respect of the regular remuneration

multiplied by

- (c) the number of pay periods in the year.

(3) For the purposes of this section a payment described in section 34 of the Act shall be deemed to be a bonus unless the employee elects that the deduction be that proportion of the payment that

- (a) the total of the deductions made under section 44 of the Act in the last complete calendar year of the employee's employment

is of

- (b) the total remuneration received by the employee during such calendar year.

**104.** (1) Every person making a payment in respect of services rendered in Canada by a non-resident, otherwise than in the course of regular and continuous employment, shall deduct 15 per cent of such payment.

(2) Where an amount is determined in accordance with subsection (1), section 102 of these Regulations is not applicable.

**105.** (1) No deduction shall be made under subsection (1) of section 44 of the Act in respect of

- (a) an employee who will not receive in the calendar year total remuneration in excess of exemptions;
  - (b) an employee who is a resident of the United States of America temporarily employed in Canada for a period or periods not exceeding a total of 90 days in the calendar year and whose total remuneration from employment in Canada will not exceed \$1,500 in such year.
- (2) Subsection (1) of this section shall not apply unless the employee files with the employer a return in prescribed form.

**106.** Where the Minister is satisfied that the amount otherwise to be deducted would constitute an undue hardship, he may determine the amount, if any, to be deducted.

**107.** The return required under the provisions of subsection (2) of section 112 of the Act shall be filed with the employer when the employment commences and a new return shall be filed within 7 days of the date on which a change occurs in the deductions to which the employee is entitled under section 25 of the Act.

**108.** (1) In lieu of the time prescribed in subsection (1) of section 44 of the Act, amounts deducted or withheld under the provisions of the said subsection shall be paid to the Receiver General of Canada on or before the seventh day of the month next succeeding the month in which the employer paid the remuneration.

**Income Tax Act—continued**

(2) Where an employer has ceased to carry on business, any amount deducted or withheld under subsection (1) of section 44 of the Act that has not been paid to the Receiver General of Canada shall be so paid within 7 days of the day when the employer ceased to carry on business.

(3) Payments made to the Receiver General under subsection (1) of section 44 of the Act shall be accompanied by a return in prescribed form.

**PART II**

**INFORMATION RETURNS**

**200.** Every person who has made payments described in subsection (1) of section 44 of the Act shall make a return in prescribed form in respect of the payments so made.

**201.** (1) Every person who has paid dividends shall make a return in prescribed form in respect of such dividends.

(2) For the purposes of this section, "dividends" shall include stock dividends, amounts deemed by the Act to be dividends and payments in respect of an allocation in proportion to patronage.

**202.** (1) Every debtor who has paid interest on fully registered bonds or debentures shall make a return in prescribed form in respect of the interest so paid.

(2) Every person authorized by law to receive deposits shall make a return in prescribed form in respect of interest paid or credited thereon.

**203.** (1) Every person receiving interest or dividends as nominee or agent for some other person, whether or not such other person is resident in Canada, shall file a return in prescribed form.

(2) The return required under this section shall be filed on or before the end of the month next succeeding the month in which the interest or dividends were received.

**204.** (1) Every person having the control of, or receiving, income, gains or profits in a fiduciary capacity shall make a return in prescribed form in respect thereof.

(2) The return required under this section shall be filed within 90 days from the end of the taxation year and shall be in respect of the taxation year.

**205.** (1) All returns required under this Part shall be filed with the Minister without notice or demand and, unless otherwise specifically provided, on or before the last day of February in each year and shall be in respect of the preceding calendar year.

(2) Where a person who is required to file a return under this Part discontinues his business or activity, the return shall be filed within thirty days of the day of the discontinuance of the business or activity and shall be in respect of any calendar year or a portion thereof prior to the discontinuance of the business or activity for which a return has not previously been filed.

**206.** (1) Where a person, who is required to make a return under this Part, has died, such return shall be filed by his legal representatives within 90 days of the date of death and shall be in respect of any calendar year or a portion thereof prior to the date of death for which a return has not previously been filed.

**Income Tax Act—continued**

(2) Every trustee in bankruptcy, assignee, liquidator, curator, receiver, trustee or committee and every agent or other person administering, managing, winding-up, controlling or otherwise dealing with the property, business, estate or income of a person who has not filed a return as required by this Part shall file such return.

**207.** (1) An ownership certificate completed under section 116 of the Act shall be delivered to the debtor or encashing agent at the time the coupon, warrant or cheque is negotiated.

(2) The debtor or encashing agent to whom an ownership certificate has been delivered shall forward it to the Minister on or before the end of the month next succeeding the month in which the coupon, warrant or cheque was negotiated.

**PART III****CAPITAL ELEMENT OF ANNUITY PAYMENTS**

**300.** (1) For the purposes of paragraph (i) of subsection (1) of section 11 of the Act, if an annuity is paid under a contract the amount deemed to be a return of capital is that proportion of each annuity payment that the consideration or purchase price of the contract is of the total of the payments

- (a) to be made under the contract, in the case of a contract for a term of years certain, or
- (b) expected to be made, in the case of a contract under which the continuation of the payments depends in whole or in part on the survival of a person.

(2) For the purposes of this section,

- (a) where the continuance of the payments under any contract depends on the survival of a person, the table of mortality known as the 1937 Standard Annuity Table as published in Volumes XXXIX and XL of the Transactions of the Actuarial Society of America shall be used in computing the payments expected to be made under the contract, calculations being based on complete expectations of life, and Gompertz's Law of Mortality shall be deemed to apply throughout the Table;
- (b) where the annual payments commence on the expiry of a term of years or on the death of any person, then, the consideration for the contract shall be taken to be the lump sum, if any, which the person entitled to the said annual payments might have accepted in lieu thereof, or the sum ascertainable from the contract as the present value of the annuity at the date the payments commence, and where there is no such sum, then, the consideration shall be taken to be
  - (i) in the case of a contract issued by the Annuities Branch of the Dominion Department of Labour, the premium or premiums paid accumulated with interest at the rate of 4 per cent per annum to the date of expiry of the said term of years; and
  - (ii) in the case of other contracts, the present value of the said payments computed, as at the date the payments commence, on the basis of a rate of interest of 4 per cent per annum, and, where the payments depend on the survival of a person, probabilities of survival according to the said table of mortality;



**Income Tax Act—continued**

- (c) where the continuance of the annual payments under any contract depends on the survival of a person, the age of that person on any date as of which a calculation is being made shall be determined by subtracting the calendar year of his birth from the calendar year in which such date occurs; and
- (d) where the continuance of the annual payments under any contract depends on the survival of a person, and where, in the event of the death of that person before the annual payments aggregate a stated sum, the contract provides that the unpaid balance of the stated sum shall be paid, either in a lump sum or instalments, then, for the purpose of determining the expected term of the contract, the contract shall be deemed to provide for the continuance of the payments thereunder for a minimum term certain equal to the nearest integral number of years required to complete the payment of the stated sum.

**PART IV**

**CONSOLIDATED RETURNS**

**400.** Election by a corporation to file a return in accordance with subsection (1) of section 75 of the Act shall be made by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents in duplicate:

- (a) a letter stating that the corporation elects to file a consolidated return as provided in section 75 of the Act;
- (b) a certified copy of the resolution of the directors of the corporation authorizing the election to be made; and
- (c) a certified list showing, for each corporation affected,
  - (i) the address of head office,
  - (ii) the date on which the taxation year ends, and
  - (iii) the general class of business engaged in.

**401.** Election to file a consolidated return under section 75 of the Act shall be revoked by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents in duplicate:

- (a) a letter stating that the corporation revokes its election, and
- (b) a certified copy of the resolution of the directors of the corporation authorizing revocation of the election.

**PART V**

**NON-RESIDENT-OWNED INVESTMENT CORPORATIONS**

**500.** Election by a corporation to be taxed under section 63 of the Act shall be made by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents in duplicate:

- (a) a letter stating that the corporation elects to be taxed under the said section 63,
- (b) a certified copy of the resolution of the directors of the corporation authorizing the election to be made, and



**Income Tax Act—continued****(c) a certified list showing**

- (i) the names and addresses of the registered shareholders and the number of shares of each class held by each,
- (ii) the names and addresses of the holders of the corporation's bonds, debentures, or other funded indebtedness, if any, and the amounts of the par values of same held by each person, and
- (iii) the names and addresses of the beneficial owners of shares, bonds, debentures, or other funded indebtedness in cases where the registered shareholder, or the holder, as the case may be, is not the beneficial owner.

**501.** Election to be taxed under section 63 of the Act shall be revoked by a corporation by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents in duplicate:

- (a) a letter stating that the corporation revokes its election, and
- (b) a certified copy of the resolution of the directors of the corporation authorizing the revocation of the election.

**502.** A corporation which is taxable under section 63 of the Act shall attach to its return of income required under subsection (1) of section 40 of the Act, a certified statement showing any changes, during the taxation year, in the holders and beneficial owners of its shares, bonds, debentures or other funded indebtedness.

## PART VI

## DEFINITION OF CORPORATION TAX PAID TO A PROVINCE OR MUNICIPALITY

**600.** (1) For the purpose of paragraph (g) of subsection (1) of section 12 of the Act, a corporation tax means a specific corporation tax or a corporation gross revenue tax as hereinafter defined except any such tax that was imposed on or before September 1, 1941, if the rate of or manner of imposing the tax has not been changed since that day; provided that where the rate of or manner of imposing any such tax that was imposed on or before September 1, 1941, has been changed after that day, the tax shall be deemed to be the amount of tax payable by the taxpayer minus the amount that would have been payable by him if there had been no change.

(2) An amount deemed to be a corporation tax under paragraph (a) of subsection (5) of this section is a corporation tax for the purposes of paragraph (g) of subsection (1) of section 12 of the Act notwithstanding anything contained in subsection (1).

(3) For the purposes of this section where a charge by way of a corporation tax is imposed on one class of persons and that charge or a like charge is imposed on another class of persons on whom such a charge might be deemed to be imposed by way of royalty or rental, the charge or the like charge on the second class of persons is a corporation tax.

(4) Where a corporation tax was imposed under legislation in force on or before September 1, 1941, but the legislation was suspended or repealed pursuant to a Wartime Tax Agreement and that legislation or a new enactment in the place thereof imposing the same tax was brought into force after the expiration of the Wartime Tax Agreement, the tax shall be deemed to have been imposed on or before September 1, 1941, for the purpose of this section.

**Income Tax Act—continued**

(5) In this section “specific corporation tax” means a tax or fee other than a tax on net income or gross revenue, the imposing of which singles out for taxation or for discriminatory rates or burdens of taxation corporations, or any class or classes thereof, or any individual corporation, either formally or in effect, by imposing a tax or fee on or in respect of any act, matter or thing or any activities or operations mainly done by, or affecting, or carried on by corporations, or otherwise, except

(a) a *bona fide* and reasonable provincial licence, registration, filing or other fee of an amount not in excess of

(i) the amount of \$250.00 per annum for each corporation, or

(ii) the amount of the fee imposed on or immediately prior to September 1, 1941,

whichever is greater, and if it does exceed the said greater amount, the amount of the excess shall be deemed to be a corporation tax for the purpose of this section.

(b) a licence fee or other fee or tax for specific rights, benefits or franchises granted by a municipality, or where they are exercised or enjoyed only in territory not included in any municipality by any authority (including a province) having jurisdiction in such territory;

(c) any assessment under The Workmen’s Compensation Act of any province;

(d) a business or occupancy tax based on floor space or on the rental or assessed value of property, imposed by a municipality, or in territory not included in any municipality by any authority (including a province) having jurisdiction in such territory; or

(e) any royalty or rental on or in respect of natural resources within a province.

(6) In this section “corporation gross revenue tax” means a tax that is levied on the gross revenue or any part thereof of a corporation but does not include

(a) a *bona fide* and reasonable business or occupancy tax imposed by a municipality or, in a territory not included in a municipality, by any authority (including a province) having jurisdiction in such territory on the gross revenue or gross receipts within the municipality or territory from all or part of the business of:

(i) a telephone, electric light, electric power, gas, street railway or bus company, in lieu of taxes imposed on power lines, pole lines, towers, cables, wires, conductors, conduits, equipment, mains, tracks, and other like property or improvements, at a rate not in excess of three per cent of the gross receipts or gross revenue subject to the tax; or

(ii) of any other corporation if

(A) the tax is imposed under legislation enacted prior to June 27, 1946,

(B) the tax is in lieu of such a tax based on floor space or upon the rental or assessed value of property,

(C) the tax is imposed on a corporation or class of corporations that is subject to the said tax under legislation enacted prior to June 27, 1946, and

(D) the rate of tax is not in excess of the general tax rate;

**Income Tax Act**—*continued*

- (b) a license fee or other fee or tax for specific rights, benefits or franchises granted by a municipality, or where they are exercised or enjoyed only in territory not included in any municipality, by any authority (including a province) having jurisdiction in such territory.
- (7) In this section
  - (a) “natural resources” means lands and waters, any rights to or interests in lands and waters, vested in the Crown in right of a province, including forests, minerals, petroleum and natural gas on or in such lands and waters and rights vested in the Crown in the said right to take wild animals and fish on or in such lands and waters;
  - (b) “rental” means a charge imposed on a person in respect of the occupation or use by him of a natural resource, whether improved or unimproved, including the use of water or water power sites, without severance, taking, extraction or removal thereof or of any part thereof, the real intent and purpose of which charge is to compensate for the value of such occupation or use; and
  - (c) “royalty” means a charge
    - (i) required to be paid by a person in respect of any right conferred on or vested in him to sever, take, extract or remove anything forming part of the natural resources of a province including therein timber, mineral ore, petroleum and natural gas, and wild animals or fish the right to take which forms part of said natural resources,
    - (ii) the amount of which is determined by reference to the quantity or value or both of the thing that he severs, takes, extracts or removes, or alternatively in the case of mineral ore, the value at market prices of the minerals contained therein after extraction therefrom, and
    - (iii) the real intent and purpose of which is to compensate a province for the value in whole or in part of the said thing prior to its severance, taking, extraction or removal;
 but does not include a charge, the amount of which is determined in relation to the profits or gross receipts derived by the said person from the sale of products produced by the processing or manufacturing of the said thing unless provision is made for a reasonable deduction from the profits or gross receipts in determining the amount of the charge, in respect of the costs and value added to the said thing by reason of the processing or manufacturing for the purpose of eliminating, in the determination of the amount of the charge, any value added to the said thing by the said processing or manufacturing.

## PART VII

## TAXES ON INCOME FROM MINING AND LOGGING OPERATIONS

**700.** (1) The amount that a taxpayer may deduct from income under paragraph (n) of subsection (1) of section 11 of the Act shall be that proportion of the total taxes on income paid by him to a province, or to a Canadian municipality in lieu of taxes on property or any interest in property (other than his residential property or any interest therein), that



**Income Tax Act—continued**

(a) his income derived from mining operations as defined herein, or  
 (b) his income derived from logging operations as defined herein  
 is of the total income in respect of which the taxes were so paid.

(2) In this section,

(a) "income derived from logging operations" by a taxpayer means

(i) where logs are sold by him to any person at the time of or prior to delivery to a sawmill, pulp or paper plant or other place for processing or manufacturing logs, or delivery to a carrier for export from Canada, or delivery otherwise, the net profit or gain derived by him from

(A) the acquisition of the timber or the right to cut the timber from which the logs were obtained, and the cutting and sale, or the cutting, transportation and sale of the logs, or

(B) the acquisition, transportation and sale of the logs, or

(ii) where he does not sell but processes, manufactures or exports from Canada logs owned by him, the net profit or gain reasonably deemed to have been derived by him from

(A) the acquisition of the timber or the right to cut the timber from which the logs were obtained, and the cutting and the transportation of the logs to the sawmill, pulp or paper plant or other place for processing or manufacturing, or to the carrier for export from Canada, as the case may be, or

(B) the acquisition of the logs and the transportation of them to such point of delivery

computed in accordance with sound accounting principles with reference to the value of the logs at the time of such delivery, excluding any amount added thereto by reason of processing or manufacturing the logs;

(b) "income derived from mining operations" means the net profit or gain derived or deemed to have been derived from mining operations by a person engaged therein with or without an allowance in respect of depletion and if such a person receives net profit or gain from sources other than mining operations either by reason of the carrying on by him of the processing of mineral ore extracted by him or otherwise, the net profit or gain to be deemed to have been derived by him from mining operations shall not exceed that portion of the total net profit or gain received by him from all sources, determined by deducting from the said total

(i) the returns received by him by way of dividends, interest or other like payments from stock, shares, bonds, debentures, loans or other like investments;

(ii) the net profit or gain, if any, derived by him from, and attributable in accordance with sound accounting principles to, the carrying on of any business, or derived from and so attributable to any source, other than mining operations and the processing and sale of mineral ores or products produced therefrom, and other than as a return on investments mentioned in subparagraph (i) of this paragraph; and



**Income Tax Act—continued**

(iii) an amount by way of return on capital employed by him in processing mineral ores or products derived therefrom, equal to 8 per cent of the original cost to him of the depreciable assets including machinery, equipment, plant, buildings, works and improvements, used by him in the processing of mineral ore or products derived therefrom but not in excess of 65 per cent of that portion of the said total net profit or gain remaining after deducting therefrom the amounts specified in subparagraphs (i) and (ii) of this paragraph; provided that, in the case of a person who mines and smelts mineral ores from which metals other than gold, silver or platinum are recovered in amounts exceeding in value 5 per cent of the total value of the metals recovered, the amount to be deducted under this subparagraph shall not in any case be a smaller amount than the following proportion of the total net profit or gain remaining after deducting therefrom the amounts specified in subparagraphs (i) and (ii) above:

(A) where both copper and nickel are recovered, each in amounts which exceed in value 5 per cent of the total value of metals recovered .....	40%
(B) where both lead and zinc are recovered, each in amounts which exceed in value 5 per cent of the total value of metals recovered .....	30%
(C) where both copper and zinc are recovered, each in amounts which exceed in value 5 per cent of the total value of metals recovered .....	20%
(D) in other cases .....	15%

- (c) "mine" includes any work or undertaking in which mineral ore is extracted or produced, including a quarry;
- (d) "minerals" includes gold, silver, rare and precious metals or stones, copper, iron, tin, lead, zinc, nickel, salt, saline deposits, alkali, coal, limestone, granite, slate, marble or other quarriable stone, gypsum, clay, marl, gravel, sand and volcanic ash but does not include petroleum or natural gas;
- (e) "mineral ore" includes all unprocessed minerals or mineral bearing substances;
- (f) "mining operations" means the extraction or production of mineral ore from or in any mine or its transportation to, or any part of the distance to the point of egress from the mine including any processing thereof prior to or in the course of such transportation but not including any processing thereof after removal from the mine; and
- (g) "processing" includes milling, concentrating, smelting, refining, fabricating, transporting or distributing.

(3) Nothing contained herein shall be construed as allowing a taxpayer to deduct an amount in respect of taxes imposed under a statute or bylaw which is not restricted to the taxation of persons engaged in mining or logging operations.

**Income Tax Act—continued**

**PART VIII**

**CERTIFICATE FOR THE FOREIGN EXCHANGE CONTROL BOARD**

**300.** Every person owning property having an aggregate value of \$25,000 or more who makes an application under The Foreign Exchange Control Act for a determination that he has ceased to be a resident shall obtain from the Minister a certificate that there are not outstanding any assessed taxes, interest or penalties payable by him in respect of his income, and that he is not in default of filing any prescribed return and shall file the certificate with the Foreign Exchange Control Board as a condition precedent to having his application considered.

**PART IX**

**DELEGATION OF THE POWERS AND DUTIES OF THE MINISTER**

**900.** (1) The Co-Ordinator and Chairman of the Executive of the Taxation Division of the Department of National Revenue may exercise all the powers and perform all the duties of the Minister under the Act.

(2) An official holding a position of "Director—Taxation" in a District Office of the Taxation Division of the Department of National Revenue may exercise the powers and perform the duties of the Minister under the following provisions of the Act:

- (a) subsection (2) of section 40,
- (b) subsection (2) of section 49,
- (c) paragraph (g) of subsection (1) of section 106,
- (d) section 109,
- (e) section 114 and
- (f) subsection (2) of section 115.

(3) The Director General Legal Branch, and the Assistant Director General Legal Branch of the Taxation Division of the Department of National Revenue may exercise the powers and duties of the Minister under the following provisions of the Act:

- (a) subsection (2) of section 40,
- (b) section 108,
- (c) subsection (1) of section 111 and
- (d) subsection (2) of section 115.

(4) The Director of Intelligence and the Assistant Director of Intelligence of the Taxation Division of the Department of National Revenue may exercise the powers of the Minister under subsection (2) of section 40 and subsection (2) of section 115 of the Act.

**PART X**

**DEPENDENTS**

**1000.** (1) The class of persons who may be regarded as dependent for support on taxpayers during a taxation year for the purposes of the Act is every person who qualifies as a dependent of the taxpayer under the provisions of the Act during a taxation year and whose income for the year does not exceed \$500.00.

(2) For the purposes of this section, income does not include income from employment as a nurse in training.

**Income Tax Act—continued**

## PART XI

## ALLOWANCES IN RESPECT OF CAPITAL COST

**1100.** (1) Under paragraph (a) of subsection (1) of section 11 of the Act, there is hereby allowed to a taxpayer, in computing his income from a business or property, as the case may be, deductions for each taxation year equal to

- (a) such amount as he may claim in respect of property of each of the classes numbered 1 to 12, inclusive, in Schedule B to these Regulations not exceeding in respect of property

- (i) of class 1, 4%,
- (ii) of class 2, 4%,
- (iii) of class 3, 5%,
- (iv) of class 4, 6%,
- (v) of class 5, 10%,
- (vi) of class 6, 10%,
- (vii) of class 7, 15%,
- (viii) of class 8, 20%,
- (ix) of class 9, 25%,
- (x) of class 10, 30%,
- (xi) of class 11, 50%, and
- (xii) of class 12, 100%

of the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this subsection for the taxation year) of property of the class;

- (b) where a taxpayer has property of the class numbered 13 in Schedule B to these Regulations which was acquired by him for the purpose of gaining or producing income, such amount as he may claim not exceeding the least of

- (i) one-fifth of each item of the capital cost thereof to him.
- (ii) the amount for the year obtained by apportioning each item of the capital cost thereof to him equally over the period of the lease unexpired at the time the cost was incurred, or
- (iii) the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this subsection for the taxation year) of property of the class;

- (c) such amount as he may claim in respect of a property of the class numbered 14 in Schedule B to these Regulations not exceeding the lesser of

- (i) the amount for the year obtained by apportioning the capital cost to him of the property equally over the life of the property remaining at the time the cost was incurred, or
- (ii) the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this subsection for the taxation year) of property of the class;

- (d) such additional amount as he may claim not exceeding in the case of property described in each of the classes in Schedule B to these Regulations, the lesser of

- (i) one-half the amount that would have been allowed to him in respect of property of that class under subparagraph (ii) of paragraph (n) of section 6 of the Income War Tax Act if that Act were applicable to the taxation year, or

**Income Tax Act—continued**

- (ii) the undepreciated capital cost to him as of the end of the taxation year (before making any deduction under this paragraph for the taxation year) of property of the class;
- (e) such amount as he may claim not exceeding the amount calculated in accordance with Schedule C to these Regulations in respect of the capital cost to him of a timber limit or a right to cut timber from a limit;
- (f) such amount as he may claim not exceeding the amount calculated in accordance with Schedule D to these Regulations in respect of the capital cost to him of property of the class numbered 15 in Schedule B to these Regulations;
- (g) such amount as he may claim not exceeding the amount calculated in accordance with Schedule E to these Regulations in respect of the capital cost to him of an industrial mineral mine, except
  - (i) a coal mine, and
  - (ii) a mine where the Minister of Mines and Resources has certified that the mineral is contained in a non-bedded deposit; and
- (h) such amount as he may claim in respect of property of a class established by The Maritime Coal Production Assistance Act not exceeding 30 per cent of the undepreciated capital cost to him as of the end of the taxation year (before making any deduction either under this subsection or under section 5 of the said Act for the taxation year) of property of the class.

(2) For the purpose of computing income for the 1949 taxation year, if the allowance under subsection (1) is less than the allowance that would be made if the law and practice applicable to the 1948 year under the Income War Tax Act were applicable, the taxpayer may deduct, in lieu of the allowance under subsection (1), such part of the capital cost of the taxpayer's property of the classes described in Schedule B to these Regulations as, in the opinion of the Minister, would be allowed as depreciation for the year if the law and practice applicable to the 1948 taxation year under the Income War Tax Act were applicable to the year.

(3) Where a taxpayer has, in a taxation year, otherwise than on death, disposed of all property of a prescribed class that he had not previously disposed of and has no property of that class at the end of the taxation year, he is hereby allowed a deduction for the year equal to the amount that would otherwise be the undepreciated capital cost to the taxpayer of property of that class at the expiration of the taxation year.

(4) Where the taxpayer is a corporation, the aggregate of the allowances under subsection (1) or (2) shall not exceed the amount deducted in respect of such allowances in computing the income or profit for the taxation year shown on the financial statements presented to the shareholders or members.

(5) Where a taxation year is less than 12 months in duration, the amount allowed as a deduction under subsections (1) and (2) shall not exceed that proportion of the maximum amount allowable that the number of days in the taxation year is of three hundred and sixty-five.

(6) Where under the terms of a lease a tenant has the right to renew the lease for an additional term, the period of the lease unexpired at the time the costs were incurred shall, for the purpose of subparagraph (ii) of paragraph (b) of subsection (1), include the next succeeding term for which it may be renewed.



**Income Tax Act—continued**

**1101.**(1) Where more than one property of a taxpayer is described in the same class in Schedule B to these Regulations and where

- (a) one of the properties was acquired for the purpose of gaining or producing income from a business, and
  - (b) one of the properties was acquired for the purpose of gaining or producing income from another business or from the property,
- a separate class is hereby prescribed for the properties that
- (i) were acquired for the purpose of gaining or producing income from each business, and
  - (ii) would otherwise be included in the class of Schedule B to these Regulations.

(2) The percentage prescribed for each class created by subsection (1) is the percentage that is prescribed for the class in which the properties would otherwise be included.

(3) A reference in paragraph (a) of subsection (1) of section 1100 of these Regulations or subsection (1) of section 1103 of these Regulations to classes 1 to 12, inclusive, shall be deemed to include a reference to the corresponding separate classes created by subsection (1).

(4) A reference in paragraph (b) of subsection (1) of section 1100 of these Regulations to class 13 of Schedule B to these Regulations shall be deemed to include a reference to the corresponding separate classes created by subsection (1).

(5) For the purpose of this Part and for the purpose of Schedules C and D to these Regulations,

- (a) a timber limit or a right to cut timber from a limit shall be deemed to be a separate class of property and,
- (b) where a taxpayer has more than one timber limit or rights to cut timber from more than one limit, each limit or right shall be deemed to be a separate class of property.

(6) For the purpose of this Part and for the purpose of Schedule E to these Regulations, where a taxpayer has a mine or more than one mine of the kind described in paragraph (g) of subsection (1) of section 1100 of these Regulations, each mine shall be deemed to be a separate class of property.

**1102.**(1) The classes of property described in this Part and in Schedule B to these Regulations shall be deemed not to include property

- (a) the cost of which is deductible in computing the taxpayer's income,
- (b) that is described in the taxpayer's inventory,
- (c) that was not acquired by the taxpayer for the purpose of gaining or producing income,
- (d) that was acquired by an expenditure in respect of which the taxpayer is allowed a deduction from income under section 65 of the Act,
- (e) that is included in a class established by The Maritime Coal Production Assistance Act,
- (f) that is included in a class established by The Canadian Vessel Construction Assistance Act, or
- (g) that was acquired for the purpose of gaining or producing income from farming or fishing.

**Income Tax Act—continued**

(2) The classes of property described in Schedule B to these Regulations shall be deemed not to include the land upon which a property described therein was constructed or is situated.

(3) Where the taxpayer is a non-resident person, the classes of property described in this Part and in Schedule B to these Regulations shall be deemed not to include property that is situated outside of Canada.

(4) For the purpose of paragraph (b) of subsection (1) of section 1100 of these Regulations, capital cost includes an amount expended on an improvement or alteration, to a leased property, other than

- (a) a building or other structure,
- (b) an addition to a building or other structure, or
- (c) alterations to buildings which substantially change the nature or character of the leased property.

(5) Where the taxpayer has a leasehold interest in a property, a reference in Schedule B to these Regulations to a property that is a building or other structure shall be deemed to include a reference to that part of the leasehold interest acquired by reason of the fact that the taxpayer has

- (a) erected a building or structure on leased land,
- (b) made an addition to a leased building or structure, or
- (c) made alterations to a leased property which substantially change the nature or character of the property.

**1103.** (1) In respect of properties otherwise included in classes 2 to 12, inclusive, described in Schedule B to these Regulations, if the properties were acquired for the purpose of gaining or producing income from a source that is the taxpayer's chief source of income for the purpose of section 13 of the Act, a taxpayer may elect to include all such properties in class 1.

(2) An election under subsection (1) shall be made by registered letter addressed to the District Office at which the taxpayer customarily files the returns required by section 40 of the Act.

(3) To be effective in respect of a taxation year, an election under this section must be made not later than the last day on which the taxpayer may file a return of his income for the taxation year in accordance with section 40 of the Act.

(4) An election under this section shall continue to be effective for all subsequent years.

**1104.** Where the taxpayer is an individual and his income for the taxation year includes income from a business the fiscal period of which does not coincide with the calendar year, in respect of the depreciable properties acquired for the purpose of gaining or producing income from the business, a reference in this Part to

- (a) "the taxation year" shall be deemed to be a reference to the fiscal period of the business, and
- (b) "the end of the taxation year" shall be deemed to be a reference to the end of the fiscal period of the business.

**1105.** The classes of property provided in this Part and in Schedule B to these Regulations are hereby prescribed for the purposes of paragraph (a) of subsection (1) of section 11 of the Act and section 20 of the Act.

**Income Tax Act—continued****PART XII****DEDUCTION IN RESPECT OF OIL WELLS, GAS WELLS AND CERTAIN MINES**

**1200.** For the purposes of paragraph (b) of subsection (1) of section 11 of the Act there may be deducted in computing the income of a taxpayer for a taxation year amounts determined as hereinafter set forth in this Part.

*Oil and Gas Wells*

**1201.** (1) Where the taxpayer operates an oil or gas well or where the taxpayer is a person described as the trustee in subsection (1) of section 73 of the Act, the deduction allowed for a taxation year is  $33\frac{1}{3}$  per cent of the profits of the taxpayer for the year reasonably attributable to the production of oil or gas from the well.

(2) Where a person, other than the operator of an oil or gas well and the person described as the trustee in section 73 of the Act, has an interest in the proceeds from the sale of the products of the well or an interest in income from the operation of the well, the deduction allowed for a taxation year is 25 per cent of the amount in respect of such interest included in computing his income for the year.

(3) Where an amount received in respect of an interest in the income from the operation of a well is a dividend or is deemed by section 73 of the Act to be a dividend, no deduction shall be allowed under subsection (2) of this section.

(4) In computing the profits reasonably attributable to the production of oil or gas for the purpose of this section a deduction shall be made equal to the amounts, if any, deducted from income under the provisions of section 53 of chapter 25 of the Statutes of 1949, Second Session, in respect of the well.

*Base and Precious Metal Mines*

**1202.** (1) The deduction allowed for a taxation year in respect of a base or precious metal mine operated by the taxpayer is  $33\frac{1}{3}$  per cent of his profits for the year reasonably attributable to the production of prime metal from the mine.

(2) Where the value of the output for a taxation year from a precious metal mine operated by the taxpayer is to the extent of 70 per cent or more from gold, in lieu of the deduction allowed under subsection (1), the deduction allowed for the year is the greater of

(a) 40 per cent of his profits for the year reasonably attributable to the production of prime metal, or

(b) \$4.00 per ounce of gold produced in the year.

(3) In computing the profits reasonably attributable to the production of prime metal for the purpose of this section a deduction shall be made equal to the amounts, if any, deducted from income under the provisions of

(a) section 53 of chapter 25 of the Statutes of 1949, Second Session, and

(b) section 1205 of these Regulations in respect of the mine.

*Industrial Mineral Mines*

**1203.** (1) Where the Minister of Mines and Resources has certified that the mineral is contained in a non-bedded deposit, the deduction allowed for a taxation year in respect of an industrial mineral mine operated by the taxpayer is  $33\frac{1}{3}$  per cent of his profits for the year reasonably attributable to the production of the mineral.



**Income Tax Act—continued**

(2) The deduction allowed under subsection (1) shall not apply in the case of a coal mine.

(3) In computing the profits reasonably attributable to the production of the mineral for the purpose of this section a deduction shall be made equal to the amounts, if any, deducted from income under the provisions of

(a) section 53 of chapter 25 of the Statutes of 1949, Second Session, and

(b) section 1205 of these Regulations in respect of the mine.

*Coal Mines*

**1204.** The deduction allowed for a taxation year in respect of a coal mine operated by a taxpayer is 10 cents for each ton of coal mined in the year.

*Additional Allowance to Certain Mines*

**1205.** (1) A taxpayer may also deduct from the profits for a taxation year reasonably attributable to the operation in Canada of a coal, base metal or precious metal mine or an industrial mineral mine described in section 1203 of these Regulations, such amount as he may claim, not exceeding 25 per cent of an amount calculated as set forth in subsection (2).

(2) The amount referred to in subsection (1) is the aggregate of all expenses incurred by the taxpayer which are reasonably attributable to the prospecting and exploration for and the development of the mine, prior to coming into production in reasonable commercial quantities, but not including

(a) the cost of properties coming within any class prescribed in Part XI of these Regulations,

(b) any expense deducted in computing the income of the taxpayer in the year of expenditure, and

(c) the cost of a leasehold interest.

(3) The amount deductible under subsection (1) shall not exceed the amount referred to in subsection (2) minus the aggregate of

(a) amounts deducted under subsection (1) in a previous taxation year, and

(b) similar amounts deducted in computing income for the purposes of the Income War Tax Act, in respect of the mine.

PART XIII

DEDUCTIONS ALLOWED IN RESPECT OF CERTAIN DIVIDENDS

**1300.** For the purposes of subsection (2) of section 11 of the Act, where a shareholder receives a dividend from a corporation carrying on business in Canada the income of which includes mineral profits, the deduction allowed is:

(a) where the mineral profits of the corporation are equal to not less than 25 per cent but less than 50 per cent of its income, an amount equal to 10 per cent of the dividend;



**Income Tax Act—continued**

- (b) where the mineral profits of the corporation are equal to not less than 50 per cent but less than 75 per cent of its income, an amount equal to 15 per cent of the dividend;
- (c) where the mineral profits of the corporation are equal to not less than 75 per cent of its income, an amount equal to 20 per cent of the dividend.

**1301.** For the purposes of subsection (2) of section 11 of the Act, where a shareholder receives a dividend from a corporation that is not carrying on business in Canada, if the mineral profits of the corporation are equal to not less than 50 per cent of its income, the deduction allowed is 15 per cent of the dividend.

**1302.** Where a person receives an amount deemed to be a dividend by paragraph (d) of subsection (1) of section 73 of the Act, in lieu of the amount specified in section 1300 of the Regulations, the deduction allowed is 20 per cent of the amount received.

**1303.** For the purposes of this Part,

- (a) “mineral profits” means the aggregate of
  - (i) those profits of the corporation which are described in sections 1201, 1202 and 1203 of these Regulations, and
  - (ii) dividends received by the corporation in respect of which a deduction is allowed under paragraph (c) of section 1300 for the taxation year immediately preceding the year in which the dividend was declared by the corporation;
- (b) “income” means the income of the corporation for the taxation year immediately preceding the year in which the dividend was declared before any deduction is made under the provisions of paragraph (b) of subsection (1) of section 11 of the Act or under the provisions of subsection (2) of that section, plus an amount not included in computing the income of the corporation by reason of the provisions of section 74 of the Act.

## PART XIV

### ELECTION BY INVESTMENT COMPANIES

**1400.** For the purpose of subsection (2) of section 62 of the Act, an election by an investment company to pay tax under Part I of the Act shall be made by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents in duplicate:

- (a) a letter stating that the corporation elects to pay tax under Part I of the Act, and
- (b) a certified copy of the resolution of the directors of the corporation authorizing the election to be made.

**1401.** An election made under section 1400 of these Regulations to pay tax under Part I of the Act shall be revoked by a corporation by forwarding by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa the following documents in duplicate:

- (a) a letter stating that the corporation revokes its election made under subsection (2) of section 62 of the Act, and
- (b) a certified copy of the resolution of the directors of the corporation authorizing the revocation of the election.

**SCHEDULE A**  
**TAX DEDUCTIONS**

SCHEDULE A — ANNEXE A

DAILY TAX DEDUCTIONS — DÉDUCTIONS QUOTIDIENNES D'IMPÔT

Basis—312 Pay Periods per Year Base—312 périodes de paie par année

DAILY INCOME		IF THE TOTAL OF THE EXEMPTIONS CLAIMED IS — SI LE TOTAL DES EXEMPTIONS INVOQUÉES EST DE																		REVENU QUOTIDIEN	
Use the amount closest to the employee's income		THE AMOUNT TO BE DEDUCTED FROM EACH PAY IS — LE MONTANT À DÉDUIRE SUR CHAQUE PAIE EST																		Utiliser le montant le plus rapproché du revenu de l'employé	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
\$ 3.50	\$1,000-\$1,149	\$0.00	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 3.50	
4.00		.05																		4.00	
4.25		.10	.05																	4.25	
4.50		.15	.10	.05																4.50	
4.75		.15	.10	.05																4.75	
5.00		.20	.15	.10	.05															5.00	
5.25		.25	.15	.10	.05															5.25	
5.50		.25	.20	.15	.10	.05														5.50	
5.75		.30	.25	.15	.10	.05														5.75	
6.00		.35	.25	.20	.15	.10	.05													6.00	
6.25		.40	.30	.25	.15	.10	.05													6.25	
6.50		.45	.35	.30	.20	.15	.10	.05												6.50	
6.75		.45	.40	.30	.25	.15	.10	.05	.05											6.75	
7.00		.50	.45	.35	.30	.20	.15	.10	.05	.05										7.00	
7.25		.55	.50	.40	.30	.25	.15	.10	.10	.05										7.25	
7.50		.60	.50	.45	.35	.30	.20	.15	.10	.05	.05									7.50	
7.75		.65	.55	.50	.40	.30	.25	.20	.15	.10	.05	.05								7.75	
8.00		.65	.60	.50	.45	.35	.30	.20	.15	.10	.05	.05	.05							8.00	
8.25		.70	.65	.55	.50	.40	.35	.25	.20	.15	.10	.05	.05	.05						8.25	
8.50		.75	.70	.60	.50	.45	.35	.30	.25	.15	.10	.05	.05	.05	.05					8.50	
8.75		.80	.70	.65	.55	.50	.40	.35	.30	.20	.15	.10	.05	.05	.05					8.75	
9.00		.85	.75	.70	.60	.50	.45	.35	.30	.25	.15	.10	.05	.05	.05					9.00	
9.25		.90	.80	.75	.65	.55	.50	.40	.35	.30	.20	.15	.10	.05	.05	.05				9.25	
9.50		.90	.85	.75	.70	.60	.55	.45	.40	.30	.25	.20	.10	.05	.05	.05				9.50	
9.75		.95	.90	.80	.75	.65	.55	.50	.45	.35	.30	.20	.15	.10	.05	.05				9.75	
10.00		1.00	.90	.85	.80	.70	.60	.55	.50	.40	.35	.25	.20	.10	.05	.05				10.00	
10.50		1.10	1.00	.90	.85	.75	.70	.60	.55	.50	.40	.35	.25	.20	.10	.05	.05			10.50	
11.00		1.20	1.10	1.00	.90	.85	.75	.70	.65	.55	.50	.40	.35	.25	.20	.10	.05	.05		11.00	
11.50		1.30	1.20	1.10	1.00	.95	.85	.80	.75	.65	.55	.50	.40	.35	.25	.20	.10	.05	.05	11.50	
12.00		1.40	1.30	1.20	1.10	1.05	.95	.85	.80	.75	.65	.55	.50	.40	.35	.25	.20	.10	.05	12.00	

**EXEMPTIONS OVER \$3,649.**  
Reduce the tax in Column 18 by 5c for each \$100 (or part) of additional exemption.

**EXEMPTIONS DÉPASSANT \$3,649.**  
Réduire l'impôt dans la Colonne 18 à raison de 5c pour chaque \$100 (ou partie) d'exemption supplémentaire.

12.50	1.50	1.40	1.30	1.20	1.10	1.05	.95	.90	.80	.75	.65	.60	.50	.40	.35	.25	.20	.10	12.50
13.00	1.60	1.45	1.40	1.30	1.20	1.10	1.05	1.00	.90	.80	.75	.65	.60	.50	.45	.35	.25	.20	13.00
13.50	1.65	1.60	1.50	1.40	1.30	1.20	1.10	1.05	1.00	.90	.80	.75	.65	.60	.50	.45	.35	.25	13.50
14.00	1.75	1.65	1.50	1.40	1.30	1.20	1.10	1.05	1.00	.90	.80	.75	.65	.60	.50	.45	.35	.25	14.00
14.50	1.85	1.75	1.65	1.60	1.50	1.40	1.30	1.25	1.15	1.05	1.00	.90	.80	.75	.65	.60	.50	.45	14.50
15.00	1.95	1.85	1.75	1.70	1.60	1.50	1.40	1.35	1.25	1.15	1.05	1.00	.90	.80	.75	.65	.50	.45	15.00
16.00	2.10	2.05	1.95	1.85	1.75	1.70	1.60	1.50	1.45	1.35	1.25	1.15	1.10	1.00	.90	.85	.75	.65	16.00
17.00	2.35	2.25	2.15	2.05	1.95	1.85	1.80	1.70	1.65	1.55	1.45	1.35	1.25	1.15	1.10	1.00	.90	.85	17.00
18.00	2.55	2.45	2.35	2.25	2.15	2.05	1.95	1.90	1.80	1.75	1.65	1.55	1.45	1.35	1.30	1.20	1.10	1.00	18.00
19.00	2.75	2.65	2.55	2.45	2.35	2.25	2.15	2.10	2.00	1.90	1.80	1.75	1.65	1.55	1.45	1.35	1.30	1.20	19.00
20.00	3.00	2.90	2.80	2.70	2.60	2.50	2.35	2.30	2.20	2.10	2.00	1.90	1.85	1.75	1.65	1.55	1.45	1.40	20.00
21.00	3.25	3.15	3.00	2.90	2.80	2.70	2.60	2.50	2.40	2.30	2.20	2.10	2.00	1.90	1.85	1.75	1.65	1.55	21.00
22.00	3.45	3.35	3.25	3.15	3.05	2.95	2.80	2.75	2.65	2.55	2.40	2.30	2.20	2.10	2.00	1.95	1.85	1.75	22.00
23.00	3.70	3.60	3.45	3.35	3.25	3.15	3.05	2.95	2.85	2.75	2.65	2.55	2.45	2.35	2.25	2.10	2.00	1.95	23.00
24.00	3.95	3.85	3.70	3.60	3.45	3.35	3.25	3.20	3.10	3.00	2.90	2.75	2.65	2.55	2.45	2.35	2.25	2.10	24.00
25.00	4.20	4.10	4.00	3.85	3.75	3.60	3.45	3.40	3.30	3.20	3.10	3.00	2.90	2.75	2.65	2.55	2.45	2.35	25.00
27.50	4.85	4.75	4.60	4.50	4.35	4.25	4.15	4.05	3.90	3.80	3.70	3.50	3.40	3.30	3.20	3.10	3.00	2.90	27.50
30.00	5.55	5.40	5.25	5.15	5.00	4.90	4.75	4.70	4.55	4.45	4.30	4.20	4.05	3.95	3.80	3.70	3.60	3.45	30.00
32.50	6.30	6.15	6.00	5.85	5.70	5.55	5.45	5.35	5.20	5.05	4.95	4.85	4.70	4.60	4.45	4.35	4.20	4.10	32.50
35.00	7.00	6.85	6.75	6.60	6.45	6.30	6.15	6.05	5.95	5.80	5.65	5.50	5.35	5.20	5.10	5.00	4.85	4.75	35.00
37.50	7.85	7.70	7.55	7.35	7.20	7.05	6.90	6.80	6.65	6.50	6.40	6.25	6.10	5.95	5.80	5.70	5.55	5.40	37.50
40.00	8.70	8.55	8.40	8.20	8.05	7.90	7.75	7.60	7.45	7.30	7.10	7.00	6.85	6.70	6.55	6.40	6.25	6.15	40.00
42.50	9.60	9.45	9.25	9.10	8.90	8.75	8.60	8.45	8.30	8.15	8.00	7.80	7.65	7.50	7.30	7.15	7.00	6.85	42.50
45.00	10.60	10.40	10.20	10.05	9.85	9.65	9.45	9.35	9.15	9.00	8.85	8.65	8.50	8.35	8.20	8.00	7.85	7.70	45.00
47.50	11.55	11.40	11.20	11.00	10.80	10.65	10.45	10.30	10.15	9.95	9.75	9.55	9.40	9.20	9.05	8.85	8.70	8.55	47.50
50.00	12.55	12.35	12.20	12.00	11.80	11.60	11.40	11.30	11.10	10.90	10.75	10.55	10.35	10.15	10.00	9.80	9.60	9.40	50.00

NOTE • There are rates of pay below the lowest amount shown which are subject to tax. Deductions are not warranted for these rates.  
• Il y a des taux de paye, inférieurs au plus faible montant indiqué, qui sont assujétis à l'impôt. Ces taux ne justifient pas l'opération de déductions.



WEEKLY TAX DEDUCTIONS — DÉDUCTIONS HEBDOMADAIRES D'IMPÔT  
 Basis—52 Pay Periods per Year Base—52 périodes de paie par année

IF THE TOTAL OF THE EXEMPTIONS CLAIMED IS — SI LE TOTAL DES EXEMPTIONS INVOQUÉES EST DE																			REVENU HEBDOMA- DAIRE
WEEKLY INCOME	\$1,000- \$1,149	\$1,150- \$1,299	\$1,300- \$1,449	\$1,450- \$1,599	\$1,600- \$1,749	\$1,750- \$1,899	\$1,900- \$1,999	\$2,000- \$2,149	\$2,150- \$2,299	\$2,300- \$2,449	\$2,450- \$2,599	\$2,600- \$2,749	\$2,750- \$2,899	\$2,900- \$3,049	\$3,050- \$3,199	\$3,200- \$3,349	\$3,350- \$3,499	\$3,500- \$3,649	
	THE AMOUNT TO BE DEDUCTED FROM EACH PAY IS — LE MONTANT À DÉDUIRE SUR CHAQUE PAIE EST																		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
\$ 19.50	\$0.00																	\$ 19.50	
20.00	.05																	20.00	
21.50	.20																	21.50	
23.00	.35	.05																23.00	
24.00	.45	.15																24.00	
25.00	.55	.25																25.00	
26.00	.65	.35	.05															26.00	
27.00	.80	.45	.15															27.00	
28.00	.95	.55	.25															28.00	
29.00	1.10	.70	.35	.10														29.00	
30.00	1.25	.80	.45	.20														30.00	
31.00	1.40	.95	.55	.25														31.00	
32.00	1.55	1.10	.70	.35	.10													32.00	
33.00	1.70	1.25	.85	.45	.20													33.00	
34.00	1.85	1.40	1.00	.60	.30													34.00	
35.00	2.00	1.55	1.10	.70	.40	.10												35.00	
36.00	2.20	1.70	1.25	.85	.50	.20												36.00	
37.00	2.35	1.85	1.40	1.00	.60	.30	.05											37.00	
38.00	2.50	2.00	1.55	1.15	.75	.40	.10	.05										38.00	
39.00	2.65	2.20	1.70	1.30	.85	.50	.20	.05										39.00	
40.00	2.80	2.35	1.90	1.45	1.00	.60	.30	.10										40.00	
41.50	3.05	2.60	2.10	1.65	1.25	.80	.45	.25	.05									41.50	
43.00	3.30	2.85	2.35	1.90	1.45	1.05	.65	.40	.15									43.00	
44.50	3.55	3.05	2.65	2.15	1.70	1.25	.85	.60	.30	.05								44.50	
46.00	3.80	3.30	2.85	2.40	1.90	1.45	1.05	.75	.45	.15								46.00	
47.50	4.00	3.55	3.10	2.65	2.15	1.70	1.25	1.00	.60	.30	.05							47.50	
49.00	4.30	3.80	3.30	2.85	2.40	1.90	1.50	1.20	.80	.45	.15							49.00	
50.50	4.55	4.05	3.60	3.10	2.65	2.20	1.70	1.40	1.00	.60	.30	.05						50.50	
52.00	4.75	4.30	3.80	3.35	2.90	2.45	1.95	1.65	1.20	.80	.45	.15						52.00	
53.50	5.00	4.55	4.05	3.60	3.10	2.70	2.20	1.90	1.45	1.00	.60	.30	.05					53.50	
55.00	5.25	4.80	4.35	3.85	3.40	2.90	2.45	2.10	1.65	1.25	.80	.45	.20					55.00	
56.50	5.45	5.00	4.55	4.05	3.60	3.15	2.70	2.35	1.90	1.45	1.05	.65	.30	.05				56.50	
58.00	5.75	5.25	4.80	4.35	3.85	3.40	2.95	2.65	2.15	1.70	1.25	.85	.45	.20				58.00	

**EXEMPTIONS OVER \$3,649.**  
 Reduce the tax in Column 18 by 30c for each \$100 (or part) of additional exemption.

**EXEMPTIONS DÉPASSANT \$3,649.**  
 Réduire l'impôt dans la Colonne 18 à raison de 30c pour chaque \$100 (ou partie) d'exemption supplémentaire.



# BI-WEEKLY TAX DEDUCTIONS — DÉDUCTIONS BIHEBDOMADAIRES D'IMPÔT

Base—26 Pay Periods per Year

Base—26 périodes de paie par année

BI-WEEKLY INCOME	IF THE TOTAL OF THE EXEMPTIONS CLAIMED IS — SI LE TOTAL DES EXEMPTIONS INVOQUÉES EST DE										LE MONTANT À DÉDUIRE SUR CHAQUE PAIE EST								REVENU BIHEBDOMADAIRE Utilisez le montant le plus rapproché du revenu de l'employé
	THE AMOUNT TO BE DEDUCTED FROM EACH PAY IS —																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
\$ 38.00	\$0.00	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 38.00
40.00	.10																		40.00
43.00	.40	.15	.15																43.00
46.00	.70	.30		.20															46.00
48.00	.90																		48.00
50.00	1.10	.50																	50.00
52.00	1.35	.70	.15																52.00
54.00	1.60	.90	.35																54.00
56.00	1.90	1.15	.55	.20															56.00
58.00	2.20	1.35	.75																58.00
60.00	2.50	1.65	.95	.35															60.00
62.00	2.80	1.95	1.15	.55															62.00
64.00	3.10	2.20	1.40	.75	.20														64.00
66.00	3.40	2.50	1.65	.95	.40														66.00
68.00	3.70	2.80	2.00	1.20	.60														68.00
70.00	4.00	3.10	2.25	1.45	.80	.20													70.00
72.00	4.35	3.40	2.55	1.70	1.00	.40													72.00
74.00	4.70	3.75	2.85	2.00	1.20	.60	.10												74.00
76.00	5.00	4.05	3.15	2.30	1.45	.80	.25												76.00
78.00	5.35	4.40	3.45	2.60	1.75	1.00	.45	.10											78.00
81.00	5.80	4.90	3.95	3.00	2.20	1.35	.75	.35											81.00
84.00	6.25	5.40	4.45	3.50	2.60	1.75	1.05	.65	.10										84.00
87.00	6.80	5.85	4.95	3.95	3.10	2.20	1.40	.95	.35										87.00
90.00	7.25	6.30	5.40	4.45	3.55	2.65	1.80	.65	.10										90.00
93.00	7.75	6.85	5.90	4.95	4.00	3.10	2.25	1.70	.95	.40									93.00
96.00	8.20	7.30	6.35	5.45	4.50	3.55	2.65	2.10	1.35	.70	.15								96.00
99.00	8.75	7.75	6.85	5.90	5.00	4.05	3.15	2.55	1.75	1.00	.40								99.00
102.00	9.20	8.30	7.35	6.35	5.50	4.55	3.60	3.00	2.15	1.35	.70	.15							102.00
105.00	9.70	8.80	7.80	6.90	5.95	5.00	4.05	3.45	2.60	1.75	1.00	.45							105.00
108.00	10.15	9.25	8.35	7.35	6.40	5.50	4.60	3.95	3.05	2.20	1.35	.75	.20						108.00
111.00	10.65	9.70	8.80	7.85	6.95	6.00	5.05	4.45	3.50	2.65	1.80	1.05	.45						111.00
114.00	11.10	10.20	9.30	8.40	7.40	6.45	5.55	4.95	4.00	3.10	2.20	1.40	.75	.20					114.00
117.00	11.70	10.65	9.75	8.85	7.85	7.00	6.00	5.45	4.45	3.55	2.65	1.85	1.05	.50					117.00

EXEMPTIONS OVER \$3,649.

Reduce the tax in Column 18 by 60c for each \$100 (or part) of additional exemption.

EXEMPTIONS DÉPASSANT \$3,649.

Réduire l'impôt dans la Colonne 18 à raison de 60c. pour chaque \$100 (ou partie) d'exemption supplémentaire.







# SEMI-MONTHLY TAX DEDUCTIONS — DÉDUCTIONS SEMI-MENSUELLES D'IMPÔT

Base—24 Pay Periods per Year

Base—24 périodes de paie par année

SEMI-MONTHLY INCOME Use the amount closest to the employee's income	IF THE TOTAL OF THE EXEMPTIONS CLAIMED IS												SI LE TOTAL DES EXEMPTIONS INVOQUÉES EST DE												REVENU SEMI-MENSUEL Utilisez le montant le plus rapproché du revenu de l'employé
	THE AMOUNT TO BE DEDUCTED FROM EACH PAY IS												LE MONTANT À DÉDUIRE SUR CHAQUE PAIE EST												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18							
\$ 42.00	\$1,000-\$1,149	\$1,150-\$1,299	\$1,300-\$1,449	\$1,450-\$1,599	\$1,600-\$1,749	\$1,750-\$1,899	\$1,900-\$1,939	\$2,000-\$2,149	\$2,150-\$2,299	\$2,300-\$2,449	\$2,450-\$2,599	\$2,600-\$2,749	\$2,750-\$2,899	\$2,900-\$3,049	\$3,050-\$3,199	\$3,200-\$3,349	\$3,350-\$3,499	\$3,500-\$3,649							
44.00																									
47.00																									
50.00																									
52.50																									
55.00																									
57.50																									
60.00																									
62.50																									
65.00																									
67.50																									
70.00																									
72.50																									
75.00																									
77.50																									
80.00																									
82.50																									
85.00																									
87.50																									
90.00																									
94.00																									
98.00																									
102.00																									
106.00																									
110.00																									
114.00																									
118.00																									
122.00																									
126.00																									
130.00																									
135.00																									
140.00																									
145.00																									
150.00																									
155.00																									
160.00																									
165.00																									
170.00																									
175.00																									
180.00																									

EXEMPTIONS OVER \$3,649.

Reduce the tax in Column 18 by 60¢ for each \$100 (or part) of additional exemption.

EXEMPTIONS DÉPASSANT \$3,649.

Réduire l'impôt dans la Colonne 18 à raison de 60¢, pour chaque \$100 (ou partie) d'exemption supplémentaire.

**EXEMPTIONS OVER \$3,649.**  
Reduce the tax in Column 18 by 60¢ for each \$100 (or part) of additional exemption.

**EXEMPTIONS DÉPASSANT \$3,649.**  
Réduire l'impôt dans la Colonne 18 à raison de 60¢, pour chaque \$100 (ou partie) d'exemption supplémentaire.

185.00	23.50	22.35	21.25	19.90	18.75	17.65	16.55	15.65	14.50	13.40	12.20	11.20	10.25	9.25	8.20	7.15	6.20	5.15	185.00
190.00	24.40	23.25	22.15	21.00	19.65	18.55	17.45	16.70	15.40	14.30	13.20	12.00	11.00	10.05	9.05	8.00	6.95	6.00	190.00
195.00	25.30	24.15	23.05	21.90	20.50	19.45	18.35	17.60	16.35	15.20	14.10	13.00	11.80	10.80	9.85	8.75	7.80	6.75	195.00
200.00	26.20	25.05	23.95	22.80	21.40	20.35	19.20	18.50	17.35	16.20	15.10	14.00	12.80	11.80	10.85	9.65	8.60	7.60	200.00
205.00	27.10	25.95	24.85	23.70	22.60	21.45	20.35	19.35	18.25	17.15	15.85	14.75	13.65	12.55	11.40	10.45	9.45	8.40	205.00
210.00	28.35	26.85	25.75	24.60	23.50	22.35	21.25	20.50	19.15	18.05	16.90	15.65	14.50	13.40	12.20	11.20	10.25	9.25	210.00
215.00	29.40	28.10	26.65	25.50	24.40	23.25	22.15	21.40	20.05	18.95	17.80	16.70	15.40	14.30	13.20	12.00	11.00	10.05	215.00
220.00	30.45	29.15	27.55	26.40	25.30	24.15	23.05	22.30	21.15	20.05	18.90	17.60	16.45	15.20	14.10	13.00	11.80	10.80	220.00
225.00	31.50	30.20	28.85	27.30	26.20	25.05	23.95	23.20	22.05	20.95	19.60	18.45	17.35	16.05	14.95	13.85	12.75	11.60	225.00
230.00	32.55	31.25	29.95	28.60	27.10	25.95	24.85	24.10	22.95	21.85	20.70	19.35	18.25	17.15	15.85	14.75	13.65	12.55	230.00
235.00	33.60	32.30	31.00	29.65	28.35	26.85	25.75	25.00	23.85	22.75	21.60	20.50	19.15	18.05	16.90	15.65	14.50	13.40	235.00
240.00	34.70	33.35	32.05	30.70	29.40	28.10	26.65	25.90	24.75	23.65	22.50	21.40	20.25	18.90	17.80	16.70	15.40	14.30	240.00
245.00	35.75	34.40	33.10	31.75	30.45	29.15	27.55	26.80	25.65	24.55	23.40	22.30	21.15	19.80	18.70	17.60	16.45	15.20	245.00
250.00	36.80	35.45	34.15	32.85	31.50	30.20	28.85	27.60	26.55	25.45	24.30	23.20	22.05	20.95	19.60	18.50	17.35	16.05	250.00
262.50	39.85	38.50	36.80	35.45	34.15	32.85	31.50	30.65	29.30	27.70	26.55	25.45	24.30	23.20	22.05	20.95	19.60	18.50	262.50
275.00	42.50	41.15	39.85	38.50	36.80	35.45	34.15	33.25	31.95	30.65	29.30	27.70	26.55	25.45	24.30	23.20	22.05	20.95	275.00
287.50	45.20	43.85	42.50	41.15	39.85	38.50	36.80	35.00	34.60	33.25	31.95	30.65	29.30	27.70	26.55	25.45	24.30	23.20	287.50
300.00	48.65	47.05	45.20	43.85	42.50	41.15	39.85	38.95	37.60	35.90	34.60	33.25	31.95	30.65	29.30	27.70	26.55	25.45	300.00
312.50	51.85	50.25	48.65	47.05	45.20	43.85	42.50	41.60	40.30	38.95	37.60	35.90	34.60	33.25	31.95	30.65	29.30	27.70	312.50
327.50	55.05	53.45	51.85	50.25	48.65	47.05	45.20	44.30	42.95	41.60	40.30	38.95	37.60	35.90	34.60	33.25	31.95	30.65	327.50
337.50	58.20	56.65	55.05	53.45	51.85	50.25	48.65	47.60	45.60	44.30	42.95	41.60	40.30	38.95	37.60	35.90	34.60	33.25	337.50
350.00	61.40	59.80	58.20	56.65	55.05	53.45	51.85	50.80	49.20	47.60	45.60	44.30	42.95	41.60	40.30	38.95	37.60	35.90	350.00
362.50	64.60	63.00	61.40	59.80	58.20	56.65	55.05	53.95	52.40	50.80	49.20	47.60	45.60	44.30	42.95	41.60	40.30	38.95	362.50
375.00	67.75	66.20	64.60	63.00	61.40	59.80	58.20	57.15	55.55	53.95	52.40	50.80	49.20	47.60	45.60	44.30	42.95	41.60	375.00
387.50	71.45	69.60	67.75	66.20	64.60	63.00	61.40	60.35	58.75	57.15	55.55	53.95	52.40	50.80	49.20	47.60	45.60	44.30	387.50
400.00	75.10	73.30	71.45	69.60	67.75	66.20	64.60	63.55	61.95	60.35	58.75	57.15	55.55	53.95	52.40	50.80	49.20	47.60	400.00
412.50	78.80	76.95	75.10	73.30	71.45	69.60	67.75	66.70	65.10	63.55	61.95	60.35	58.75	57.15	55.55	53.95	52.40	50.80	412.50
425.00	82.45	80.65	78.80	76.95	75.10	73.30	71.45	70.20	68.40	66.70	65.10	63.55	61.95	60.35	58.75	57.15	55.55	53.95	425.00
437.50	86.15	84.30	82.45	80.65	78.80	76.95	75.10	73.90	72.05	70.20	68.40	66.70	65.10	63.55	61.95	60.35	58.75	57.15	437.50
450.00	89.80	88.00	86.15	84.30	82.45	80.65	78.80	77.55	75.75	73.90	72.05	70.20	68.40	66.70	65.10	63.55	61.95	60.35	450.00
462.50	93.70	91.65	89.80	88.00	86.15	84.30	82.45	81.25	79.40	77.55	75.75	73.90	72.05	70.20	68.40	66.70	65.10	63.55	462.50
475.00	98.00	95.85	93.70	91.65	89.80	88.00	86.15	84.90	83.10	81.25	79.40	77.55	75.75	73.90	72.05	70.20	68.40	66.70	475.00
487.50	102.30	100.15	98.00	95.85	93.70	91.65	89.80	88.65	86.75	84.90	83.10	81.25	79.40	77.55	75.75	73.90	72.05	70.20	487.50
500.00	106.55	104.40	102.30	100.15	98.00	95.85	93.70	92.25	90.45	88.60	86.75	84.90	83.10	81.25	79.40	77.55	75.75	73.90	500.00
550.00	124.10	121.65	119.45	117.30	115.15	113.00	110.85	109.40	107.30	105.15	103.00	100.85	98.70	96.55	94.40	92.25	90.45	88.60	550.00
600.00	143.70	141.25	138.80	136.35	133.90	131.45	129.00	127.40	124.95	122.50	120.15	118.00	115.85	113.70	111.55	109.40	107.30	105.15	600.00
650.00	163.30	160.85	158.40	155.95	153.50	151.05	148.60	147.00	144.55	142.10	139.65	137.20	134.75	132.30	129.85	127.40	124.95	122.50	650.00
700.00	184.55	181.80	179.05	176.30	173.55	170.80	168.20	166.60	164.15	161.70	159.25	156.80	154.35	151.90	149.45	147.00	144.55	142.10	700.00
750.00	206.60	203.85	201.10	198.35	195.60	192.85	190.10	188.25	185.50	182.75	179.95	177.20	174.45	171.70	169.05	166.60	164.15	161.70	750.00
800.00	228.65	225.90	223.15	220.40	217.65	214.90	212.10	210.30	207.55	204.75	202.00	199.25	196.50	193.75	191.00	188.25	185.50	182.75	800.00
850.00	247.95	245.20	242.45	239.70	236.95	234.15	232.35	229.60	226.85	224.05	221.30	218.55	215.80	213.05	210.30	207.55	204.75	202.00	850.00
900.00	270.75	267.25	264.50	261.75	259.00	256.25	253.50	250.75	248.00	245.25	242.50	239.75	237.00	234.25	231.50	228.75	226.00	223.25	900.00
950.00	294.80	292.05	289.30	286.55	283.80	281.05	278.25	275.50	272.75	270.00	268.15	265.40	262.65	259.90	257.15	254.40	251.65	248.85	950.00
1,000.00	316.85	314.10	311.35	308.60	305.85	303.10	300.35	298.50	295.75	292.95	290.20	287.45	284.70	281.95	279.20	276.45	273.70	270.95	1,000.00
1,050.00	338.90	336.15	333.40	330.65	327.90	325.15	322.35	320.55	317.80	315.00	312.25	309.50	306.75	304.00	301.25	298.50	295.75	292.95	1,050.00
1,100.00	361.75	358.70	355.65	352.60	349.55	347.20	344.40	342.60	339.85	337.05	334.30	331.55	328.80	326.05	323.30	320.55	317.80	315.05	1,100.00
1,150.00	386.25	383.20	380.15	377.10	374.05	370.95	367.90	365.85	362.80	359.75	356.65	353.60	350.55	347.50	344.45	341.40	338.35	335.30	1,150.00
1,200.00	410.75	407.70	404.65	401.60	398.55	395.45	392.40	390.35	387.30	384.25	381.15	378.10	375.05	372.00	368.95	365.85	362.80	359.75	1,200.00
1,250.00	435.25	432.20	429.15	426.10	423.05	419.95	416.90	414.85	411.80	408.75	405.65	402.60	399.55	396.50	393.45	390.35	387.30	384.25	1,250.00

NOTE • There are rates of pay below the lowest amount shown which are subject to tax. Deductions are not warranted for these rates.  
• Il y a des taux de paye, inférieurs au plus faible montant indiqué, qui sont assujétis à l'impôt. Ces taux ne justifient pas l'opération de déductions

## MONTHLY TAX DEDUCTIONS — DÉDUCTIONS MENSUELLES D'IMPÔT

Basis—12 Pay Periods per Year Base—12 périodes de paie par année

MONTHLY INCOME	IF THE TOTAL OF THE EXEMPTIONS CLAIMED IS — SI LE TOTAL DES EXEMPTIONS INVOQUÉES EST DE																		REVENU MENSUEL
	THE AMOUNT TO BE DEDUCTED FROM EACH PAY IS — LE MONTANT À DÉDUIRE SUR CHAQUE PAIE EST																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
Use the amount closest to the employee's income	\$0.00	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
\$ 84.00																		\$ 84.00	
88.00																		88.00	
94.00																		94.00	
100.00		.35																100.00	
105.00		.80																105.00	
110.00	2.60	1.30	.15															110.00	
115.00	3.20	1.75	.55															115.00	
120.00	3.90	2.30	1.05															120.00	
125.00	4.60	2.90	1.50	.35														125.00	
130.00	5.40	3.60	2.05	.80														130.00	
135.00	6.10	4.30	2.60	1.30	.15													135.00	
140.00	6.85	5.00	3.20	1.75	.55													140.00	
145.00	7.65	5.75	3.90	2.30	1.05													145.00	
150.00	8.40	6.50	4.60	2.90	1.50	.35												150.00	
155.00	9.25	7.25	5.40	3.60	2.05	.80												155.00	
160.00	10.10	8.05	6.10	4.30	2.60	1.30	.15											160.00	
165.00	10.90	8.80	6.85	5.00	3.20	1.75	.55											165.00	
170.00	11.75	9.65	7.65	5.75	3.90	2.30	1.05	.25										170.00	
175.00	12.50	10.45	8.40	6.50	4.60	2.90	1.50	.70										175.00	
180.00	13.30	11.35	9.25	7.25	5.40	3.60	2.05	1.20										180.00	
188.00	14.65	12.60	10.65	8.55	6.55	4.75	2.95	2.00	.80									188.00	
196.00	15.90	13.80	11.90	9.90	7.80	5.95	4.05	2.95	1.55	.35								196.00	
204.00	17.15	15.20	13.15	11.10	9.10	7.05	5.20	4.00	2.35	1.10	.65							204.00	
212.00	18.60	16.45	14.35	12.45	10.35	8.35	6.45	5.15	3.40	1.90	1.45	.25						212.00	
220.00	19.85	17.70	15.75	13.65	11.75	9.65	7.65	6.40	4.50	2.80	1.45							220.00	
228.00	21.10	19.15	17.00	15.05	12.95	10.95	9.00	7.65	5.70	3.85	2.30	1.00						228.00	
236.00	22.35	20.40	18.40	16.30	14.20	12.30	10.25	8.95	6.90	5.05	3.30	1.80	.60					236.00	
244.00	23.60	21.65	19.65	17.55	15.60	13.50	11.60	10.20	8.15	6.20	4.35	2.70	1.35	.20				244.00	
252.00	25.15	22.90	20.95	18.95	16.85	14.90	12.80	11.55	9.50	7.40	5.50	3.75	2.20	.90				252.00	
260.00	26.55	24.15	22.20	20.20	18.25	16.15	14.05	12.75	10.80	8.70	6.75	4.85	3.15	1.70	.50			260.00	
270.00	28.30	26.10	23.75	21.80	19.85	17.70	15.75	14.30	12.40	10.35	8.30	6.40	4.50	2.80	1.45	.25		270.00	
280.00	30.10	27.90	25.65	23.35	21.40	19.45	17.30	16.00	13.90	12.00	10.00	7.85	6.00	4.15	2.50	1.20	.95	280.00	
290.00	31.85	29.65	27.45	25.25	22.95	21.00	19.05	17.55	15.60	13.55	11.60	9.55	7.45	5.65	3.80	2.25	1.95	290.00	
300.00	34.00	31.40	29.20	27.00	24.50	22.50	20.60	19.30	17.15	15.25	13.15	11.10	9.15	7.10	5.20	3.45	3.15	300.00	
310.00	35.75	33.55	30.95	28.75	26.55	24.15	22.20	20.85	18.90	16.80	14.85	12.75	10.80	8.70	6.75	4.85	4.50	310.00	
320.00	37.55	35.35	33.10	30.55	28.30	26.10	23.75	22.45	20.50	18.55	16.40	14.30	12.40	10.35	8.30	6.40	6.00	320.00	
330.00	39.35	37.10	34.90	32.65	30.10	27.90	25.65	24.00	22.05	20.10	18.15	16.00	13.90	12.00	10.00	8.00	7.85	330.00	
340.00	41.55	38.90	36.65	34.45	31.85	29.65	27.45	25.95	23.60	21.65	19.70	17.55	15.60	13.55	11.60	9.55	9.15	340.00	
350.00	43.35	41.10	38.45	36.20	34.00	31.40	29.20	27.75	25.55	23.20	21.25	19.30	17.15	15.25	13.15	11.10	10.80	350.00	
360.00	45.20	42.90	40.65	38.00	35.75	33.55	30.95	29.50	27.30	25.10	22.85	20.85	18.90	16.80	14.85	12.75	12.80	360.00	

**EXEMPTIONS OVER \$3,649.**  
Reduce the tax in Column 18 by \$1.25 for each \$100 (or part) of additional exemption.

**EXEMPTIONS DÉPASSANT \$3,649.**  
Réduire l'impôt dans la Colonne 18 à raison de \$1.25 pour chaque \$100 (ou partie) d'exemption supplémentaire.



370.00	47.00	44.75	42.45	39.80	37.55	35.35	33.10	31.25	29.05	26.85	24.40	22.45	20.50	18.55	16.40	14.30	12.40	10.35	370.00
380.00	48.00	46.55	44.30	42.00	39.35	37.10	34.90	33.40	30.85	28.60	26.40	24.00	22.05	20.10	18.15	16.00	13.90	12.00	380.00
390.00	50.60	48.35	46.10	43.80	41.55	38.90	36.65	35.20	32.95	30.40	28.20	25.95	23.60	21.65	19.70	17.55	15.60	13.55	390.00
400.00	52.40	50.15	47.90	45.65	43.35	41.10	38.45	36.95	34.75	32.15	29.95	27.75	25.55	23.20	21.25	19.30	17.15	15.25	400.00
410.00	54.20	51.95	49.70	47.45	45.20	42.90	40.65	38.75	36.50	34.30	31.70	29.50	27.30	25.10	22.85	20.85	18.90	16.80	410.00
420.00	56.70	53.75	51.30	49.25	47.00	44.75	42.45	40.95	38.30	36.05	33.85	31.25	29.05	26.85	24.40	22.45	20.50	18.55	420.00
430.00	58.80	56.15	53.50	51.05	48.80	46.55	44.30	42.75	40.50	37.85	35.60	33.40	30.85	28.60	26.40	24.00	22.05	20.10	430.00
440.00	60.90	58.30	55.10	52.85	50.60	48.35	46.10	44.60	42.30	39.65	37.40	35.20	32.95	30.40	28.20	25.95	23.60	21.65	440.00
450.00	63.05	60.40	57.75	54.65	52.40	50.15	47.90	46.40	44.15	41.85	39.20	36.95	34.75	32.15	29.95	27.75	25.55	23.20	450.00
460.00	65.15	62.50	59.85	56.75	54.20	51.95	49.70	48.20	45.95	43.65	41.40	38.75	36.50	34.30	31.70	29.50	27.30	25.10	460.00
470.00	67.25	64.60	61.95	59.35	56.70	53.75	51.50	50.00	47.75	45.50	43.20	40.95	38.30	36.05	33.85	31.25	29.05	26.85	470.00
480.00	69.35	66.75	64.10	61.45	58.80	56.15	53.30	51.80	49.55	47.30	45.05	42.75	40.50	37.85	35.60	33.40	30.85	28.60	480.00
490.00	71.50	68.85	66.20	63.55	60.90	58.30	55.10	53.60	51.35	49.10	46.85	44.60	42.30	39.65	37.40	35.20	32.95	30.40	490.00
500.00	73.60	70.95	68.30	65.65	63.05	60.40	57.75	55.40	53.15	50.90	48.65	46.40	44.15	41.85	39.20	36.95	34.75	32.15	500.00
525.00	79.70	77.00	73.60	70.95	68.30	65.65	63.05	61.25	58.65	55.40	53.15	50.90	48.65	46.40	44.15	41.85	39.20	36.95	525.00
550.00	85.05	82.35	79.70	77.00	73.60	70.95	68.30	66.55	63.90	61.25	58.65	55.40	53.15	50.90	48.65	46.40	44.15	41.85	550.00
575.00	90.35	87.70	85.05	82.35	79.70	77.00	73.60	71.85	69.20	66.55	63.90	61.25	58.65	55.40	53.15	50.90	48.65	46.40	575.00
600.00	97.35	94.15	90.35	87.70	85.05	82.35	79.70	77.90	75.25	71.85	69.20	66.55	63.90	61.25	58.65	55.40	53.15	50.90	600.00
625.00	103.70	100.50	97.35	94.15	90.35	87.70	85.05	83.25	80.60	77.90	75.25	71.85	69.20	66.55	63.90	61.25	58.65	55.40	625.00
650.00	110.10	106.90	103.70	100.50	97.35	94.15	90.35	88.60	85.90	83.25	80.60	77.90	75.25	71.85	69.20	66.55	63.90	61.25	650.00
675.00	116.45	113.25	110.10	106.90	103.70	100.50	97.35	95.20	91.25	88.55	85.90	83.25	80.60	77.90	75.25	71.85	69.20	66.55	675.00
700.00	122.80	119.65	116.45	113.25	110.10	106.90	103.70	101.60	98.40	95.20	91.25	88.60	85.90	83.25	80.60	77.90	75.25	71.85	700.00
725.00	129.20	126.00	122.80	119.65	116.45	113.25	110.10	107.95	104.75	101.60	98.40	95.20	91.25	88.60	85.90	83.25	80.60	77.90	725.00
750.00	135.55	132.35	129.20	126.00	122.80	119.65	116.45	114.30	111.15	107.95	104.80	101.60	98.40	95.20	91.25	88.60	85.90	83.25	750.00
775.00	142.90	139.25	135.55	132.35	129.20	126.00	122.80	120.70	117.50	114.30	111.15	107.95	104.75	101.60	98.40	95.20	91.25	88.60	775.00
800.00	150.25	146.60	142.90	139.25	135.55	132.35	129.20	127.05	123.90	120.70	117.50	114.30	111.15	107.95	104.75	101.60	98.40	95.20	800.00
825.00	157.60	153.95	150.25	146.60	142.90	139.25	135.55	133.45	130.25	127.05	123.90	120.70	117.50	114.30	111.15	107.95	104.75	101.60	825.00
850.00	164.95	161.30	157.60	153.95	150.25	146.60	142.90	140.45	136.80	133.45	130.25	127.05	123.90	120.70	117.50	114.30	111.15	107.95	850.00
875.00	172.30	168.65	164.95	161.30	157.60	153.95	150.25	147.80	144.15	140.45	136.80	133.45	130.25	127.05	123.90	120.70	117.50	114.30	875.00
900.00	179.65	176.00	172.30	168.65	164.95	161.30	157.60	155.15	151.50	147.80	144.15	140.45	136.80	133.45	130.25	127.05	123.90	120.70	900.00
925.00	187.40	183.35	179.65	176.00	172.30	168.65	164.95	162.50	158.85	155.15	151.50	147.80	144.15	140.45	136.80	133.45	130.25	127.05	925.00
950.00	196.00	191.70	187.40	183.35	179.65	176.00	172.30	169.85	166.20	162.50	158.85	155.15	151.50	147.80	144.15	140.45	136.80	133.45	950.00
975.00	204.50	200.30	196.00	191.70	187.40	183.35	179.65	177.20	173.55	169.85	166.20	162.50	158.85	155.15	151.50	147.80	144.15	140.45	975.00
1,000.00	213.15	208.85	204.50	200.30	196.00	191.70	187.40	184.55	180.90	177.20	173.55	169.85	166.20	162.50	158.85	155.15	151.50	147.80	1,000.00
1,100.00	248.25	243.35	238.85	234.35	230.30	226.00	221.70	218.85	214.55	210.30	206.00	201.70	197.40	193.15	188.85	184.55	180.90	177.20	1,100.00
1,200.00	287.45	282.55	277.65	272.75	267.85	262.95	258.05	254.80	249.90	245.00	240.30	236.00	231.70	227.45	223.15	218.85	214.55	210.30	1,200.00
1,300.00	326.65	321.75	316.85	311.95	307.05	302.15	297.25	294.00	289.10	284.20	279.30	274.40	269.50	264.60	259.70	254.80	249.90	245.00	1,300.00
1,400.00	369.10	363.60	358.10	352.60	347.05	341.55	336.45	333.20	328.30	323.40	318.50	313.60	308.70	303.80	298.90	294.00	289.10	284.20	1,400.00
1,500.00	413.20	407.40	402.20	396.70	391.15	385.65	380.15	376.45	370.95	365.45	359.95	354.40	348.90	343.40	337.90	332.40	326.90	321.40	1,500.00
1,600.00	457.30	451.80	446.30	440.80	435.25	429.75	424.25	420.55	415.05	409.55	404.05	398.50	393.00	387.50	382.00	376.45	370.95	365.45	1,600.00
1,700.00	501.40	495.90	490.40	484.90	479.35	473.85	468.35	464.65	459.15	453.65	448.15	442.60	437.10	431.60	426.10	420.55	415.05	409.55	1,700.00
1,800.00	545.50	540.00	534.50	529.00	523.45	517.95	512.45	508.75	503.25	497.75	492.25	486.70	481.20	475.70	470.20	464.65	459.15	453.65	1,800.00
1,900.00	589.60	584.10	578.60	573.10	567.55	562.05	556.55	552.85	547.35	541.85	536.35	530.80	525.30	519.80	514.30	508.75	503.25	497.75	1,900.00
2,000.00	633.70	628.20	622.70	617.20	611.65	606.15	600.65	596.95	591.45	585.95	580.45	574.90	569.40	563.90	558.40	552.85	547.35	541.85	2,000.00
2,100.00	677.80	672.30	666.80	661.30	655.75	650.25	644.75	641.05	635.55	630.05	624.55	619.00	613.50	608.00	602.50	596.95	591.45	585.95	2,100.00
2,200.00	723.55	717.45	711.30	705.40	699.85	694.35	688.85	685.15	679.65	674.15	668.65	663.10	657.60	652.10	646.60	641.05	635.55	630.05	2,200.00
2,300.00	772.55	766.45	760.30	754.20	748.05	741.95	735.80	731.70	725.60	719.45	713.35	707.20	701.70	696.20	690.70	685.15	679.65	674.15	2,300.00
2,400.00	821.55	815.45	809.30	803.20	797.05	790.95	784.80	780.70	774.60	768.45	762.35	756.20	750.10	743.95	737.85	731.70	725.60	719.45	2,400.00
2,500.00	870.55	864.45	858.30	852.20	846.05	839.95	833.80	829.70	823.60	817.45	811.35	805.20	799.10	792.95	786.85	780.70	774.60	768.45	2,500.00

NOTE • These are rates of pay below the lowest amount shown which are subject to tax. Deductions are not warranted for these rates.  
• Il y a des taux de paye, inferieurs au plus faible montant indique, qui sont assujetis a l'impot. Ces taux ne justifient pas l'operation de deductions.



## TEN MONTHLY DEDUCTIONS

Basis—10 Pay Periods per Year

For Teachers and others receiving ten payments per annum

## DIX DÉDUCTIONS MENSUELLES

Base—10 périodes de paie par année

Pour les instituteurs et autres recevant dix versements l'an

MONTHLY INCOME for 10 months Use the amount closest to the employee's income	IF THE TOTAL OF THE EXEMPTIONS CLAIMED IS										SI LE TOTAL DES EXEMPTIONS INVOQUÉES EST DE										REVENU MENSUEL pour 10 mois Utilisez le montant le plus rapproché du revenu de l'employé
	THE AMOUNT TO BE DEDUCTED FROM EACH PAY IS										LE MONTANT À DÉDUIRE SUR CHAQUE PAIE EST										
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18			
\$100.00	\$1,000-\$1,149	\$1,150-\$1,299	\$1,300-\$1,449	\$1,450-\$1,599	\$1,600-\$1,749	\$1,750-\$1,899	\$1,900-\$1,999	\$2,000-\$2,149	\$2,150-\$2,299	\$2,300-\$2,449	\$2,450-\$2,599	\$2,600-\$2,749	\$2,750-\$2,899	\$2,900-\$3,049	\$3,050-\$3,199	\$3,200-\$3,349	\$3,350-\$3,499	\$3,500-\$3,649	\$100.00	\$	
105.00																			105.00	\$	
107.50																			107.50	\$	
120.00		.40																	120.00	\$	
125.00		.85																	125.00	\$	
130.00		1.35																	130.00	\$	
135.00		1.80	.40																135.00	\$	
140.00		2.35	.85																140.00	\$	
145.00		2.85	1.35																145.00	\$	
150.00		3.50	1.80	.40															150.00	\$	
155.00		4.15	2.35	.85															155.00	\$	
160.00		4.85	2.85	1.35															160.00	\$	
165.00		5.55	3.50	1.80	.40														165.00	\$	
170.00		6.25	4.15	2.35	.85														170.00	\$	
175.00		7.00	4.85	2.85	1.35														175.00	\$	
180.00		7.80	5.55	3.50	1.80	.40													180.00	\$	
185.00		8.50	6.25	4.15	2.35	.85													185.00	\$	
190.00		9.35	7.00	4.85	2.85	1.35													190.00	\$	
195.00		10.05	7.80	5.55	3.50	1.80	.40												195.00	\$	
200.00		10.95	8.50	6.25	4.15	2.35	.85												200.00	\$	
208.00		12.25	9.80	7.45	5.25	3.25	1.65	.70											208.00	\$	
216.00		13.65	11.10	8.70	6.45	4.30	2.45	1.45	.40										216.00	\$	
224.00		14.85	12.40	9.95	7.65	5.45	3.35	2.25	.75										224.00	\$	
232.00		16.10	13.80	11.35	8.85	6.55	4.40	3.10	1.55	.40									232.00	\$	
240.00		17.30	15.00	12.55	10.05	7.80	5.55	4.15	2.35	.85									240.00	\$	
248.00		18.75	16.25	13.95	11.45	8.95	6.80	5.25	3.25	1.65	.25								248.00	\$	
256.00		20.00	17.65	15.15	12.80	10.30	7.90	6.45	4.30	2.45	1.00								256.00	\$	
264.00		23.80	21.20	18.90	16.40	14.10	11.60	9.20	7.65	5.45	3.35	.30							264.00	\$	
272.00		25.05	22.70	20.15	17.80	15.35	12.95	10.45	8.85	6.55	4.40	2.55	1.05						272.00	\$	
280.00		26.30	23.95	21.40	19.05	16.55	14.25	11.75	10.05	7.80	5.55	3.50	1.80	.40					280.00	\$	
290.00		27.85	25.50	23.15	20.60	18.30	15.80	13.35	11.75	9.35	7.00	4.85	2.85	1.35					290.00	\$	
300.00		29.45	27.10	24.75	22.40	19.85	17.30	15.00	13.35	10.95	8.50	6.25	4.15	2.35	.85				300.00	\$	
310.00		31.50	28.65	26.30	23.95	21.40	19.05	16.55	15.00	12.55	10.05	7.80	5.55	3.50	1.80	.40			310.00	\$	

**EXEMPTIONS OVER \$3,649.**  
Reduce the tax in Column 18 by \$1.50 for each \$100 (or part) of additional exemption.

**EXEMPTIONS DÉPASSANT \$3,649.**  
Réduire l'impôt dans la Colonne 18 à raison de \$1.50 pour chaque \$100 (ou partie) d'exemption supplémentaire.

320.00	33.30	30.65	27.85	25.50	23.15	20.60	18.30	16.55	14.25	11.75	9.35	7.00	4.85	2.85	1.35		320.00
330.00	35.05	32.40	29.45	27.10	24.75	22.40	19.85	18.30	15.80	13.35	10.95	8.50	6.25	4.15	2.35	.85	330.00
340.00	36.80	34.15	31.50	28.65	26.30	23.95	21.40	19.85	17.30	15.00	12.55	10.05	7.80	5.55	3.50	1.80	340.00
350.00	38.60	35.95	33.05	30.65	27.85	25.50	23.15	21.40	19.05	16.55	14.25	11.75	9.35	7.00	4.85	1.35	350.00
360.00	40.80	37.70	35.05	32.40	29.45	27.10	24.75	23.15	20.60	18.30	15.80	13.35	10.95	8.50	6.25	4.15	360.00
370.00	42.55	39.90	36.80	34.15	31.50	28.65	26.30	24.75	22.40	19.85	17.30	15.00	12.55	10.05	7.80	5.55	370.00
380.00	44.35	41.70	38.60	35.95	33.30	30.65	27.85	26.30	23.95	21.40	19.05	16.55	14.25	11.75	9.35	7.00	380.00
390.00	46.15	43.45	40.80	37.70	35.05	32.40	29.45	27.85	25.50	23.15	20.60	18.30	15.80	13.35	10.95	8.50	390.00
400.00	47.95	45.25	42.55	39.90	36.80	34.15	31.50	29.45	27.10	24.75	22.40	19.85	17.30	15.00	12.55	10.05	400.00
410.00	50.25	47.05	44.35	41.70	38.60	35.95	33.30	31.50	28.65	26.30	23.95	21.40	19.05	16.55	14.25	11.75	410.00
420.00	52.05	49.35	46.15	43.45	40.80	37.70	35.05	33.30	30.65	27.85	25.50	23.15	20.60	18.30	15.80	13.35	420.00
430.00	53.85	51.15	47.95	45.25	42.55	39.90	36.80	35.05	32.40	29.45	27.10	24.75	22.40	19.85	17.30	15.00	430.00
440.00	55.65	52.95	50.25	47.05	44.35	41.70	38.60	36.80	34.15	31.50	28.65	26.30	23.95	21.40	19.05	16.55	440.00
450.00	57.45	54.75	52.05	49.35	46.15	43.45	40.80	38.60	35.95	33.30	30.65	27.85	25.50	23.15	20.60	18.30	450.00
460.00	59.25	56.55	53.85	51.15	47.95	45.25	42.55	40.80	37.70	35.05	32.40	29.45	27.10	24.75	22.40	19.85	460.00
470.00	61.10	58.35	55.65	52.95	50.25	47.05	44.35	42.55	39.90	36.80	34.15	31.50	28.65	26.30	23.95	21.40	470.00
480.00	62.90	60.15	57.45	54.75	52.05	49.35	46.15	44.35	41.70	38.60	35.95	33.30	30.65	27.85	25.50	23.15	480.00
490.00	64.70	61.95	59.25	56.55	53.85	51.15	47.95	46.15	43.45	40.80	37.70	35.05	32.40	29.45	27.10	24.75	490.00
500.00	66.50	63.80	61.10	58.35	55.65	52.95	50.25	47.95	45.25	42.55	39.90	36.80	34.15	31.50	28.65	26.30	500.00
510.00	68.30	65.60	62.90	60.15	57.45	54.75	52.05	49.35	46.15	43.45	40.80	37.70	35.05	32.40	29.45	27.10	510.00
520.00	70.10	67.40	64.70	62.95	60.15	57.45	54.75	52.05	49.35	46.15	43.45	40.80	37.70	35.05	32.40	29.45	520.00
530.00	71.90	69.25	66.55	63.80	61.10	58.35	55.65	52.95	50.25	47.95	45.25	42.55	40.80	37.70	35.05	32.40	530.00
540.00	73.70	71.10	68.35	65.60	62.90	60.15	57.45	54.75	52.05	49.35	46.15	43.45	40.80	37.70	35.05	32.40	540.00
550.00	75.50	72.90	70.15	67.40	64.70	62.95	60.15	57.45	54.75	52.05	49.35	46.15	43.45	40.80	37.70	35.05	550.00
560.00	77.30	74.70	71.95	69.25	66.55	63.80	61.10	58.35	55.65	52.95	50.25	47.95	45.25	42.55	40.80	37.70	560.00
570.00	79.10	76.50	73.75	71.10	68.35	65.60	62.90	60.15	57.45	54.75	52.05	49.35	46.15	43.45	40.80	37.70	570.00
580.00	80.90	78.30	75.95	73.30	70.60	67.90	65.20	62.50	59.80	57.10	54.40	51.70	49.00	46.30	43.60	40.90	580.00
590.00	82.70	80.10	77.75	75.15	72.55	69.95	67.35	64.75	62.15	59.55	56.95	54.35	51.75	49.15	46.55	43.95	590.00
600.00	84.50	81.90	79.00	76.40	73.80	71.20	68.60	66.00	63.40	60.80	58.20	55.60	53.00	50.40	47.80	45.20	600.00
610.00	86.30	83.70	80.80	78.20	75.60	73.00	70.40	67.80	65.20	62.60	60.00	57.40	54.80	52.20	49.60	47.00	610.00
620.00	88.10	85.50	82.60	79.95	77.35	74.75	72.15	69.55	66.95	64.35	61.75	59.15	56.55	53.95	51.35	48.75	620.00
630.00	89.90	87.30	84.40	81.80	79.20	76.60	74.00	71.40	68.80	66.20	63.60	61.00	58.40	55.80	53.20	50.60	630.00
640.00	91.70	89.10	86.20	83.60	81.00	78.40	75.80	73.20	70.60	68.00	65.40	62.80	60.20	57.60	55.00	52.40	640.00
650.00	93.50	90.90	88.00	85.40	82.80	80.20	77.60	75.00	72.40	69.80	67.20	64.60	62.00	59.40	56.80	54.20	650.00
660.00	95.30	92.70	89.80	87.20	84.60	82.00	79.40	76.80	74.20	71.60	69.00	66.40	63.80	61.20	58.60	56.00	660.00
670.00	97.10	94.50	91.60	89.00	86.40	83.80	81.20	78.60	76.00	73.40	70.80	68.20	65.60	63.00	60.40	57.80	670.00
680.00	98.90	96.30	93.40	90.80	88.20	85.60	83.00	80.40	77.80	75.20	72.60	70.00	67.40	64.80	62.20	59.60	680.00
690.00	100.70	98.10	95.20	92.60	90.00	87.40	84.80	82.20	79.60	77.00	74.40	71.80	69.20	66.60	64.00	61.40	690.00
700.00	102.50	100.00	97.10	94.50	91.90	89.30	86.70	84.10	81.50	78.90	76.30	73.70	71.10	68.50	65.90	63.30	700.00
710.00	104.30	101.80	98.90	96.30	93.70	91.10	88.50	85.90	83.30	80.70	78.10	75.50	72.90	70.30	67.70	65.10	710.00
720.00	106.10	103.60	100.70	98.10	95.50	92.90	90.30	87.70	85.10	82.50	79.90	77.30	74.70	72.10	69.50	66.90	720.00
730.00	107.90	105.40	102.50	100.00	97.40	94.80	92.20	89.60	87.00	84.40	81.80	79.20	76.60	74.00	71.40	68.80	730.00
740.00	109.70	107.20	104.30	101.80	99.20	96.60	94.00	91.40	88.80	86.20	83.60	81.00	78.40	75.80	73.20	70.60	740.00
750.00	111.50	109.00	106.10	103.60	101.00	98.40	95.80	93.20	90.60	88.00	85.40	82.80	80.20	77.60	75.00	72.40	750.00
760.00	113.30	110.80	107.90	105.40	102.90	100.30	97.70	95.10	92.50	89.90	87.30	84.70	82.10	79.50	76.90	74.30	760.00
770.00	115.10	112.60	109.70	107.20	104.70	102.10	99.50	96.90	94.30	91.70	89.10	86.50	83.90	81.30	78.70	76.10	770.00
780.00	116.90	114.40	111.50	109.00	106.40	103.80	101.20	98.60	96.00	93.40	90.80	88.20	85.60	83.00	80.40	77.80	780.00
790.00	118.70	116.20	113.30	110.80	108.20	105.60	103.00	100.40	97.80	95.20	92.60	90.00	87.40	84.80	82.20	79.60	790.00
800.00	120.50	118.00	115.10	112.60	110.00	107.40	104.80	102.20	99.60	97.00	94.40	91.80	89.20	86.60	84.00	81.40	800.00
810.00	122.30	119.80	116.90	114.40	111.80	109.20	106.60	104.00	101.40	98.80	96.20	93.60	91.00	88.40	85.80	83.20	810.00
820.00	124.10	121.60	118.70	116.20	113.60	111.00	108.40	105.80	103.20	100.60	98.00	95.40	92.80	90.20	87.60	85.00	820.00
830.00	125.90	123.40	120.50	118.00	115.40	112.80	110.20	107.60	105.00	102.40	99.80	97.20	94.60	92.00	89.40	86.80	830.00
840.00	127.70	125.20	122.30	119.80	117.20	114.60	112.00	109.40	106.80	104.20	101.60	99.00	96.40	93.80	91.20	88.60	840.00
850.00	129.50	127.00	124.10	121.60	119.00	116.40	113.80	111.20	108.60	106.00	103.40	100.80	98.20	95.60	93.00	90.40	850.00
860.00	131.30	128.80	125.90	123.40	120.80	118.20	115.60	113.00	110.40	107.80	105.20	102.60	100.00	97.40	94.80	92.20	860.00
870.00	133.10	130.60	127.70	125.20	122.60	120.00	117.40	114.80	112.20	109.60	107.00	104.40	101.80	99.20	96.60	94.00	870.00
880.00	134.90	132.40	129.50	127.00	124.40	121.80	119.20	116.60	114.00	111.40	108.80	106.20	103.60	101.00	98.40	95.80	880.00
890.00	136.70	134.20	131.30	128.80	126.20	123.60	121.00	118.40	115.80	113.20	110.60	108.00	105.40	102.80	100.20	97.60	890.00
900.00	138.50	136.00	133.10	130.60	128.00	125.40	122.80	120.20	117.60	115.00	112.40	109.80	107.20	104.60	102.00	99.40	900.00
910.00	140.30	137.80	134.90	132.40	129.80	127.20	124.60	122.00	119.40	116.80	114.20	111.60	109.00	106.40	103.80	101.20	910.00
920.00	142.10	139.60	136.70	134.20	131.60	129.00	126.40	123.80	121.20	118.60	116.00	113.40	110.80	108.20	105.60	103.00	920.00
930.00	143.90	141.40	138.50	136.00	133.40	130.80	128.20	125.60	123.00	120.40	117.80	115.20	112.60	110.00	107.40	104.80	930.00
940.00	145.70	143.20	140.30	137.80	135.20	132.60	130.00	127.40	124.80	122.20	119.60	117.00	114.40	111.80	109.20	106.60	940.00
950.00	147.50	145.00	142.10	139.60	137.00	134.40	131.80	129.20	126.60	124.00	121.40	118.80	116.20	113.60	111.00	108.40	950.00
960.00																	

**Income Tax Act**—*continued***SCHEDULE B***Class 1*

(4 per cent)

Property not included in any other class that is

- (a) a bridge,
- (b) a canal,
- (c) a culvert,
- (d) a dam,
- (e) a jetty,
- (f) a mole, or
- (g) a roadway,

*Class 2*

(4 per cent)

Property that is

- (a) electrical generating equipment (except as specified elsewhere in this Schedule),
- (b) a pipeline for oil, gas or water,
- (c) the generating and distributing equipment and plant (including structures) of a producer or distributor of electrical energy, except a property included in class 13 or 14,
- (d) the manufacturing and distributing equipment and plant (including structures) of a producer or distributor of gas, except a property included in class 13 or 14, or
- (e) the distributing equipment and general plant (including structures) of a distributor of water, except a property included in class 13 or 14.

*Class 3*

(5 per cent)

Property not included in any other class that is

- (a) a building or other structure, including component parts such as electric wiring, plumbing, sprinkler systems, air-conditioning equipment, heating equipment, lighting fixtures, elevators and escalators,
- (b) a breakwater (other than a wooden breakwater),
- (c) a dock,
- (d) a trestle,
- (e) a windmill, or
- (f) a wharf.

*Class 4*

(6 per cent)

Property that is

- (a) the general plant (including structures) and communication equipment of a telephone or telegraph system,
- (b) the property of a railway system that would otherwise be included in another class in this Schedule, or
- (c) the property of a tramway system that would otherwise be included in another class in this Schedule, except a property included in class 13 or 14.

**Income Tax Act—continued**

*Class 5*

(10 per cent)

Property that is

- (a) an integrated pulp and paper mill, including mill buildings, machinery and equipment but not including hydro-electric power plants and their equipment,
- (b) a sulphite, sulphate or ground wood pulp mill, including buildings, machinery and equipment but not including hydro-electric power plants and their equipment.

*Class 6*

(10 per cent)

Property not included in any other class that is

- (a) a building of
  - (i) frame,
  - (ii) log,
  - (iii) stucco on frame,
  - (iv) galvanized iron, or
  - (v) corrugated iron,
 construction including component parts such as electric wiring, plumbing, sprinkler systems, air-conditioning equipment, heating equipment, lighting fixtures, elevators and escalators,
- (b) a wooden breakwater,
- (c) a fence,
- (d) a greenhouse,
- (e) an oil or water storage tank, or
- (f) a railway tank car.

*Class 7*

(15 per cent)

Property that is

- (a) a canoe or rowboat,
- (b) a scow,
- (c) a ship as defined in the Canada Shipping Act,
- (d) furniture, fitting or equipment attached to a property included in this class (except radar equipment and radio equipment), or
- (e) a spare engine for a property included in this class.

*Class 8*

(20 per cent)

Property that is a tangible capital asset that is not included in another class in this Schedule except land, or any part thereof or any interest therein, and also excepting

- (a) an animal,
- (b) an herb, tree, shrub or similar growing thing,
- (c) a gas well,
- (d) land tile,
- (e) a mine,



**Income Tax Act—continued**

- (f) an oil well,
- (g) radium,
- (h) railway track,
- (i) railway grading,
- (j) a railway subway,
- (k) a railway street crossing,
- (l) a right of way,
- (m) a timber limit, and
- (n) tramway track.

*Class 9*

(25 per cent)

Property that is

- (a) electrical generating equipment, if
  - (i) the taxpayer is not a person whose business is the production for the use of or distribution to others of electrical energy.
  - (ii) the equipment is auxiliary to the taxpayer's main power supply, and
  - (iii) the equipment is not used regularly as a source of supply,
- (b) radar equipment,
- (c) radio transmission equipment, or
- (d) radio receiving equipment that is used in conjunction with radio transmission equipment.

*Class 10*

(30 per cent)

Property not included in any other class that is

- (a) an automobile,
- (b) an aeroplane,
- (c) cement mixer,
- (d) harness or stable equipment,
- (e) an omnibus,
- (f) a sleigh,
- (g) a tractor,
- (h) a trailer,
- (i) an automotive truck,
- (j) a wagon, and

property that would otherwise be included in another class that is

- (k) a building acquired for the purpose of gaining or producing income from a mine (except an office building that is not situated on the mine property and a refinery),
- (l) contractor's moveable equipment (including portable camp buildings),
- (m) a floor of a roller skating rink,
- (n) gas or oil well equipment that is normally used above ground, or
- (o) mining machinery and equipment acquired for the purpose of gaining or producing income from a mine.

**Income Tax Act—continued**

*Class 11*

(50 per cent)

Property not included in any other class that is

- (a) a book that is part of a lending library,
- (b) a die, jig or pattern.

*Class 12*

(100 per cent)

Property not included in any other class that is

- (a) chinaware, cutlery or glass tableware,
- (b) a medical or dental instrument costing less than \$50.00,
- (c) a mine shaft sunk after the mine came into production,
- (d) table linen, bed linen or blankets, or
- (e) a uniform.

*Class 13*

Property that is a leasehold interest except

- (a) an interest in a mine, oil or gas well or timber limit, and
- (b) that part of the leasehold interest that is included in another class by reason of subsection (5) of section 1102 of these Regulations.

*Class 14*

Property that is a patent, franchise, concession or licence for a limited period in respect of property but not including

- (a) a franchise, concession or licence in respect of a mine, oil well, gas well or timber limit, or
- (b) a leasehold interest.

*Class 15*

Property that would otherwise be included in another class of this Schedule but for the fact that

- (a) it was acquired for the purpose of cutting and removing merchantable timber from a timber limit, and
- (b) it will be of no further use to the taxpayer after all merchantable timber has been removed from the limit.

**SCHEDULE C**

1. For the purpose of paragraph (e) of subsection (1) of section 1100 of these Regulations, the amount that may be deducted in computing the income of a taxpayer for a taxation year in respect of a timber limit is the lesser of

- (a) an amount computed on the basis of a rate (computed under section 2 of this Schedule) per cord or board foot cut in the taxation year, or
- (b) the undepreciated capital cost to the taxpayer as of the end of the taxation year (before making any deduction under section 1100 of these Regulations for the taxation year) of the timber limit.

**Income Tax Act—continued****2. The rate for a taxation year is**

- (a) if the taxpayer has not been granted an allowance in respect of the limit for any previous year, an amount determined by dividing the capital cost of the limit to the taxpayer minus the residual value by the total quantity of timber in the limit (expressed in cords or board feet) as shown by a *bona fide* cruise, and
- (b) if the taxpayer has been granted or is deemed to have been granted an allowance in respect of the limit for a previous year,
  - (i) if no rate has been determined under subparagraph (ii) the rate employed to determine the allowance for the most recent year for which an allowance was granted, and
  - (ii) where it has been established, by evidence filed with the Minister before the taxation year, that the quantity of timber that was in the limit was in fact substantially different from the quantity that was employed in determining the rate for the previous year, a rate determined by dividing the undepreciated capital cost to the taxpayer of the limit as of the commencement of the year minus the residual value thereof by the estimated remaining quantity of timber in the limit (expressed in cords or board feet) at the commencement of the year.

**3. In lieu of the deduction otherwise determined under this Schedule, a taxpayer may elect that the deduction for a taxation year be the lesser of**

- (a) \$100, or
- (b) the amount received by him in the taxation year from the sale of timber.

**4. In this Schedule, "residual value" means the estimated value of the property if the merchantable timber were removed.**

**SCHEDULE D**

**1. For the purpose of paragraph (f) of subsection (1) of section 1100 of these Regulations, the amount that may be deducted in computing the income of a taxpayer for a taxation year in respect of property described in class 15 of Schedule B to these Regulations is the lesser of**

- (a) an amount computed on the basis of a rate per cord or board foot cut in the taxation year, or
- (b) the undepreciated capital cost to the taxpayer as of the end of the taxation year (before making any deduction under section 1100 of these Regulations for the taxation year) of property of that class.

**2. Where all the property of the class is used in connection with one timber limit or section thereof, the rate per cord or board foot is the amount determined by dividing**

- (a) the undepreciated capital cost to the taxpayer as of the end of the taxation year (before making any deduction under section 1100 for the taxation year) of the property

by

- (b) the number of cords or board feet of timber in the limit or section thereof as of the commencement of the taxation year as shown by deducting the quantity cut up to that time from the amount shown by the latest cruise.

**Income Tax Act—continued**

3. Where a part of the property of the class is used in connection with one timber limit or a section thereof and a part is used in connection with another limit or section thereof, a separate rate shall be computed for each part of the property, in the manner provided in section 2 of this Schedule, as though each part of the property were the taxpayer's only property of that class.

**SCHEDULE E**

1. For the purpose of paragraph (g) of subsection (1) of section 1100 of these Regulations, the amount that may be deducted in computing the income of a taxpayer for a taxation year in respect of an industrial mineral mine described in paragraph (g) of subsection (1) of section 1100 of these Regulations is the lesser of

- (a) an amount computed on the basis of a rate (computed under section 2 of this Schedule) per unit of mineral mined in the taxation year, or
- (b) the undepreciated capital cost to the taxpayer as of the end of the taxation year (before making any deduction under section 1100 of these Regulations) of the mine.

2. The rate for a taxation year is

- (a) if the taxpayer has not been granted an allowance in respect of the mine for any previous year, an amount determined by dividing the capital cost to the taxpayer minus the residual value by the total number of units of commercially mineable material estimated as being in the property, and
- (b) if the taxpayer has been granted or is deemed to have been granted an allowance in respect of the mine for a previous year,
  - (i) if no rate has been determined under subparagraph (ii), the rate employed to determine the allowance for the most recent year for which an allowance was granted, or
  - (ii) where it has been shown to the satisfaction of the Minister before the taxation year that the quantity of commercially mineable material is, in fact, a different quantity from that employed in determining the rate for the previous year, a rate determined by dividing the capital cost minus the residual value by the quantity so shown.

3. In lieu of the deduction otherwise determined under this Schedule, a taxpayer may elect that the deduction for a taxation year be the lesser of

- (a) \$100, or
- (b) the amount received by him in the taxation year from the sale of mineral.

4. In this Schedule, "residual value" means the estimated value of the property if all commercially mineable material were removed.

**2. Form of Advertisement, Patronage Payment**

DEPARTMENT OF NATIONAL REVENUE

1. For the purposes of subsection (5) of section 68 of The Income Tax Act the following form of advertisement is prescribed:



**Income Tax Act—concluded**

“As required by The Income Tax Act this will advise our customers that it is our intention to make a payment in proportion to patronage in respect of the year ending the.....day of..... 19.... and we hereby hold forth the prospect of patronage payment accordingly.”

2. The advertisement, referred to above, may also include such other matters as may appear advisable.

Dated at Ottawa this 14th day of October, 1949.

JAMES J. McCANN,  
*Minister of National Revenue.*

**INCOME TAX APPEAL BOARD**

Rules have been made by the Board and approved by the Governor in Council (Order in Council P.C. 4302 of 24th August 1949) under section 3 of the Third Schedule to the *Income War Tax Act*, governing the carrying on of the business of the Board and regulating practice and procedure in proceedings before the Board under the *Income War Tax Act*. These Rules were published in Part II of the *Canada Gazette* of September 14, 1949, at page 1726. Copies may also be obtained on application to the Registrar, Income Tax Appeal Board, Ottawa.

**INCOME WAR TAX ACT. (R.S.C., 1927, c. 97)**

Subsection two of section 130 of *The Income Tax Act* (chapter 52 of the Statutes of Canada, 1948) declares that, subject to subsection one thereof, the provisions of the *Income War Tax Act* other than sections 19A and 97 are not applicable to taxation years after the 1949 taxation year. In these circumstances, all statutory orders made under the Income War Tax Act have become obsolete and, for this reason, have not been included in this Consolidation.

**INDIAN ACT. (R.S.C., 1927, c. 98)**

1. *Petroleum and natural gas on Indian reserves and lands.*
2. *The Indian Revolving Fund Regulations.*
3. *Disposal of Quartz Mining Claims on Indian Reserves.*
4. *Disposal of Timber on Indian reserves and lands.*

**1. Regulations respecting Petroleum and Natural Gas on Indian Reserves and Indian Lands**

P.C. 4509

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of October, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of subsection (2) of section 50 of the Indian Act, Revised Statutes of Canada, 1927, chapter 98, is pleased to order as follows:

**Indian Act**—*continued*

1. The Regulations with respect to prospecting for and disposal of petroleum and natural gas lands on Indian Reserves and Indian Lands, established by Order in Council P.C. 5315 of 13th July, 1944, are hereby revoked; and

2. The Regulations annexed hereto entitled "Regulations Respecting Petroleum and Natural Gas on Indian Reserves and Indian Lands" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

REGULATIONS RESPECTING PETROLEUM AND NATURAL GAS ON  
INDIAN RESERVES AND INDIAN LANDS

1. These regulations shall be applicable to the prospecting for and recovery of all petroleum and natural gas within Indian Reserves and Indian lands which have been released or surrendered to the Crown in accordance with the provisions of the Indian Act.

2. In these regulations unless the context otherwise requires:

- (a) "Agent" means a Commissioner, Regional Supervisor, Indian Superintendent or other officer acting under the instructions of the Minister or Director;
- (b) "Branch" means the Indian Affairs Branch of the Department of Mines and Resources;
- (c) "Department" means the Department of Mines and Resources;
- (d) "Director" means the Director of the Indian Affairs Branch of the Department of Mines and Resources;
- (e) "Minister" means the Minister of Mines and Resources;
- (f) "allowable production" means the greatest amount of petroleum, natural gas, or both, that shall be produced in twenty-four hours from a well drilled on a location or on an authorized group of locations;
- (g) "group" means two or more locations described in petroleum and natural gas leases consolidated for purposes of operation;
- (h) "lessee" means any individual, partnership, company or corporation the holder of a petroleum and natural gas lease in good standing;
- (i) "location" means the tract described in a petroleum and natural gas lease.

PART I

3. The Agent for the lands in which the rights applied for are situated or any other officer appointed by the Minister or Director for the particular purpose may receive applications for permits to prospect for petroleum and natural gas on Indian Reserves and Indian lands and the Minister may, in his discretion, issue such permits subject to the terms and conditions of these regulations.

4. The area and dimensions thereof which may be applied for shall not be more than 10,240 acres and, if available, not less than 2,560 acres, but the Minister in his discretion may refuse to grant a permit for all of any area applied for.

**Indian Act**—*continued*

5. If the area applied for is situate in subdivided lands it shall consist of sections, legal subdivisions or lots and aliquot parts of lots according to the subdivision; but if situated in unsubdivided lands it shall contain a description in metes and bounds of the area applied for, accompanied by a plan showing the position of such location in its relation to some point known, but in either case the boundaries of the area to be included in the permit shall be subject to the approval of the Director.

6. A fee of five dollars shall accompany each application for a prospecting permit together with the amount of the first year's rental of ten cents per acre for the area applied for. If the area applied for be greater than the area granted the applicant shall be entitled to a refund of the rental paid in excess.

7. The Agent or other officer of the Department authorized to receive applications for prospecting permits shall immediately endorse thereon over his signature the date, hour and minute when each such application is received, and priority of filing shall prevail.

8. The term of the permit shall be one year from the date of issue: provided, however, that the Minister may if he considers that prospecting operations have been diligently proceeded with and the terms and conditions of the permit fully complied with, grant to the permittee a further permit for a period not exceeding six months upon payment of additional rental at the rate of ten cents per acre for each acre applied for, and at the expiration of either of the aforesaid times all rights granted therein shall automatically cease and determine: provided, further, that the Minister may in his sole discretion grant further extensions of time on such terms and conditions as he may deem advisable if the application therefor is made during the life of the permit.

9. Before prospecting operations on the area described in the permit shall be commenced, the permittee shall submit to the Director a statement containing detailed information as to the character of the operations to be conducted including a description of the methods to be employed in collecting required geological information, the method by which such information is to be conveyed to the Director, and the uses, purposes and disposal of any cores which may be obtained together with the personnel to be employed, the date upon which the prospecting operations are to be commenced, and the approximate date upon which they are to be completed. The applicant shall commence prospecting operations within ninety days of the issue of the permit and thereafter diligently prosecute such operations to the satisfaction of the Minister. Failure to commence prospecting operations within that period shall automatically terminate the permit. If the permittee should fail to carry on prospecting operations to the satisfaction of the Minister, the Minister may terminate the permit on giving thirty days notice in writing to the permittee of his intention so to do. Such notice shall be sufficiently served on the permittee if mailed to him by registered post to his last known address or if left at the said address. A notice sent by post shall be deemed to be given at the time when in due course of post it would be delivered at the address to which it was sent.

10. (1) The permittee shall from time to time, as prospecting and drilling operations proceed, furnish the Director, free of cost and in the manner determined, with all geological and other data and reports obtained as a result of such prospecting and drilling, also with the logs of the several wells drilled, the conditions ascertained, and the results obtained.



**Indian Act—continued**

(2) Prior to the termination of the period for which the permit was granted, the permittee shall submit under affidavit to the Director a full and detailed statement of the geological examination, prospecting or drilling operations, conducted on the area during the term of the permit and the several items of expenditure so incurred, and the specific purpose for which each such item was expended.

**11.** The permittee may relinquish his permit at any time during the term thereof and/or provided that the prescribed terms and conditions of his permit have been complied with and accepted as satisfactory by the Minister he shall be entitled to a lease or leases of such portion of the area as he may select not exceeding one-half thereof.

**12.** (1) At the time of the application for a lease and upon receipt of evidence satisfactory to the Minister that the permittee has incurred, during the term of his permit, expenditures in actual core drilling, or other operations on the area for purposes of structural discovery, exclusive of the cost of the machinery and casing employed and of all other extraneous expenses, credit may be granted the permittee for such portion of the confirmed expenditure so incurred as the Minister may consider advisable provided such credits do not exceed eighty per centum (80%) of the lease rentals chargeable under these regulations.

(2) The whole or such portion of the credit so established may, in the discretion of the Minister, be applied on account of eighty per centum (80%) of the prescribed rental due for the first year under a petroleum and natural gas lease or leases under the provisions of these regulations by such permittee of that portion of the area described in the lease or leases which the permittee may be granted under the provisions of Part II of these regulations. Any unused portion of such credit shall automatically lapse.

**13.** At the expiration or sooner determination of the permit, in case the permittee has not exercised his right to apply for a lease under the regulations, such area may again in the sole discretion of the Minister become available for application under these regulations.

**14.** The permittee shall not assign, transfer or sublet the rights granted under the permit, or any portion thereof, or any interest therein, without the consent in writing of the Director being first had and obtained.

**15.** The permittee, his agents or employees engaged specifically in prospecting the area shall have the right of entry on the land held under permit but shall be held responsible for any damage arising from such operations.

**16.** If in the course of drilling, natural gas or potable waters are discovered, such natural gas and waters shall be controlled and the Minister may take over such boring and utilize such natural gas or waters free of cost. The permittee shall, however, have the use of such natural gas or waters as may be required by him in connection with the exercise of the rights granted by the permit.

**17.** All fires used by the permittee shall be so safeguarded that no hazard to surrounding property shall be created.

**18.** The petroleum and natural gas rights within the area included in any permit which has not been granted in a lease or leases to the



**Indian Act—continued**

permittee shall not be available for disposal under these regulations for a period of one year after the termination of the said permit; provided, however, that the Minister may dispose of such rights in the said portion or any part thereof by public auction, competitive tender or otherwise as he may determine.

**PART II**

**19.** The petroleum and natural gas rights which are available may be leased to applicants on the terms and conditions provided herein.

**20.** The lease shall be in such form as may be determined by the Minister in accordance with the provisions of these regulations and shall be for twenty-one years renewable for a further term of twenty-one years provided the lessee shall furnish evidence satisfactory to the Minister to show that during the term of the lease he has complied fully with the provisions of such lease and with the provisions of the regulations in force from time to time during the currency of the lease, and provided, further, that such renewal shall be subject to the regulations then in force or to any amendments thereof made thereafter.

**21.** The lease shall in all cases include the right only to the petroleum and natural gas in the lands leased that can be obtained by the usual processes of drilling, but not the right to mine oil shale or to extract the oil that may be recovered from such shale, and shall not include helium.

**22.** The rental for the first year of the lease shall be fifty cents per acre and for each subsequent year one dollar per acre, payable yearly in advance; all rentals in arrears shall bear interest at the rate of five per centum (5%) per annum.

**23.** The lessee may, upon application, be granted a lease at a rental of one dollar an acre per annum, payable yearly in advance, of whatever area of the available surface rights of the tract described in his petroleum and natural gas lease the Minister may consider necessary for the efficient and economical working of the rights granted him. The surface lease shall be concurrent with the petroleum and natural gas lease.

**24.** In case the surface rights of a petroleum and natural gas location are covered by a timber license, grazing or coal mining lease, mining claim or other form of terminable grant, the lease shall not authorize entry thereon without the permission of the Minister being first had and obtained, and such permission shall be given subject to such conditions for the protection of the rights of such licensee or lessee as it may be considered necessary to impose.

**25.** The maximum area of a petroleum and natural gas location shall be 2,560 acres. The minimum area of a location shall not be less than 160 acres, except in such special cases as the Minister in his sole discretion may decide as being proper and convenient.

**26.** Application for a lease other than from the holder of a permit shall be filed by the applicant with the Agent of the Indian Reserve in which the rights applied for are situate or an officer of the Department authorized to receive such application. The application shall be on a form to be approved of by the Minister and shall be accompanied by a fee of five dollars.

**Indian Act—continued**

**27.** No lease shall be granted to, nor shall any assignment be accepted from or in favour of, any person indebted for rent or royalty or who is otherwise in default under any permit or lease issued to him.

**28.** Any company acquiring by assignment, or otherwise, a lease under the provisions of these regulations, shall be a company incorporated, registered or licensed in Canada.

**29.** The location applied for shall consist of sections, legal subdivisions or lots and aliquot parts of lots according to the subdivision, but the several parcels as grouped to comprise the tract shall be one rectangular block the length of which shall not exceed four times its breadth.

**30.** Application for a location situate in unsubdivided areas shall contain a description by metes and bounds of the location applied for, and shall be accompanied by a plan showing the position of such location in its relation to some known point provided that where the lands adjoining are subdivided into sections the plan may show section lines projected into the area and the location applied for may comprise sections or legal subdivisions of sections. The plan shall contain sufficient data to admit of the position of the location applied for being definitely shown in the records of the Branch. The location must be rectangular in form, except where a boundary of a previous location is adopted as common to both or where the location is bounded by an irregular limit of the area, the length not to exceed four times the breadth.

**31.** As soon as the subdivision survey of an Indian Reserve has been approved, all petroleum and natural gas leases embracing any portion of such reserve so surveyed and approved, shall be made to conform to the subdivision of the reserve, if the Minister so decides, by the substitution of a new lease describing by sections, legal subdivisions of sections or regular portions of lots, as nearly as may be, the tract embraced in the leasehold, in so far as the reserve so surveyed is concerned. If any part of the leasehold is in territory which remains unsubdivided it shall continue to be described as in the lease originally issued until such portion is included in an approved survey.

**32.** If, for any reason, it is considered necessary or advisable to have a survey made of any location or locations applied for or leased under these regulations, the Minister may direct that such a survey be made by a duly qualified land surveyor under proper instructions, and may require payment in advance of the costs of such survey to be made by the applicant for, or the recorded owner of, the location or locations to be surveyed in whole or in part, or the Minister may require such portion of the payment of the costs as may seem to him just. Failure on the part of the applicant or lessee to make such payment in advance, when called upon to do so by the proper officer of the Department shall render the application or lease subject to immediate cancellation in the discretion of the Minister.

**33.** The rental of the location for the first year shall accompany the application, and no application for a lease of petroleum and natural gas rights shall be accepted or recorded until the full amount of the **rent** for the first year shall have been paid in cash or by established credit.

**Indian Act—continued**

**34.** When credit has been established under the provisions of Part I of these regulations, the whole or any portion of the credit so established may at the discretion of the Minister be applied for the first year only on account of the prescribed rental of a location acquired under the provisions of these regulations.

**35.** If during the term of the lease the lessee shall fail to pay rental in advance for each subsequent year within thirty days after the date on which the same became due, together with interest thereon, whether demanded or not, the lease shall be subject to cancellation in the discretion of the Minister without notice to the lessee.

**36.** The lessee shall commence drilling operations with suitable machinery and equipment capable of adequately testing the location within three months of the date of his lease or within such further time as the Minister may in writing approve and he shall continue such drilling operations with reasonable diligence, to the satisfaction of the Minister with a view to the discovery of petroleum or natural gas. If the lessee does not commence drilling operations within the time prescribed, or if having commenced such operations he does not prosecute the same with reasonable diligence, to the satisfaction of the Minister, or if he ceases to carry on the same for a period of more than three months, the lease shall be subject to cancellation in the discretion of the Minister upon thirty days' notice to this effect being given to the lessee.

**37.** (1) No well shall be drilled within 300 feet of any road allowance, surveyed road, railway right of way, dwelling, school or church, without the written consent of the Minister or Director.

(2) No well shall be drilled within 300 feet of the boundary of any location without the written consent of the Minister or Director.

**38.** The Minister may permit a lessee who has acquired by assignment or otherwise more than one petroleum and natural gas lease where the locations are contiguous and on the same oil structure to consolidate his operations and expenditures on one or more of the locations upon such terms and conditions as he may consider advisable.

**39.** The total area which may be consolidated under these regulations shall be at the discretion of the Minister.

**40.** In the event of the lessee obtaining production of petroleum or natural gas on a location or locations within a group he shall continue to drill such further well or wells thereon as the Minister may in his discretion determine, and may be required to produce therefrom so long as the said location or group of locations shall continue to yield petroleum or natural gas in remunerative quantity.

**41.** The Minister may in his discretion limit the number and define the distance apart of wells on a location or locations within a group as he may consider desirable.

**42.** (1) If the lessee during the first year of his lease incurs expenditure in actual drilling operations exclusive of the cost of machinery and casing employed and all other extraneous expenses but including reasonable depreciation, he shall be entitled to a credit on rental to become due and payable for the second year of his lease for such expenditure not exceeding eighty per centum (80%) of the rental if before the end of the first year



**Indian Act—continued**

of his lease he gives notice of his intention to apply for such credit and within thirty days thereafter files with the Minister satisfactory evidence supported by affidavit that such expenditure has been incurred. The decision of the Minister as to the amount of the credit to be allowed shall be final. Likewise, a credit on eighty per centum (80%) of the rental to become due and payable for the third year of his lease may also be obtained in the same manner for similar expenditures incurred on the location during the second year.

(2) The balance of rentals due in each of the said two years shall be paid at the same time as the evidence in regard to work done is submitted as above required. Failure to submit such evidence and to pay the balance of rental due, if any, shall render the lease liable to cancellation as provided in section 35 hereof.

**43.** (1) The royalty to be computed, levied and collected on all products, other than natural gas, for which provision is made in subsections (2) and (3) hereof, obtained by separation from every location acquired under the provisions of these regulations, shall from each well on the location be that percentum of the products obtained from such well equivalent to the square root of the average daily production in barrels for each day the well had been on production during the calendar month for which the return is made to the Branch free and clear of any deductions whatsoever; provided that, where as the result of an order or a direction of the Minister, a well is operated intermittently and in consequence of such operation the royalty payable is in excess of the royalty which would be payable if the well had operated continuously, then the royalty to be computed, levied and collected shall not exceed the square root of the average daily production during the calendar month for which the return is made to the Branch free and clear of any deductions whatsoever; provided further, that the royalty to be levied and collected on all such products obtained from every location, shall from each well on the location not exceed a rate of fifteen percentum (15%) and shall not be less than five percentum (5%) of such products obtained from such well during the calendar month for which the return is made to the Branch, free and clear of any deductions whatsoever; provided, further, that the person responsible to the Crown for the payment of the royalty to be levied and collected on all such products obtained from every location may elect to pay a royalty at the rate of twelve and one-half percentum ( $12\frac{1}{2}\%$ ) of all such products obtained from the location during the calendar month for which a return is made to the Branch, free and clear of any deductions whatsoever, and such election shall be determined by the first return filed with the said Branch.

(2) The royalty to be computed, levied and collected on all products obtained through absorption plants or other process of a similar nature and not by gravity from every location shall from each well on the location be fifteen percentum (15%) of the amount received by the lessee or grantee for such products; provided that where the lessee or grantee is also the operator of the absorption plant the royalty to be computed, levied and collected shall be fifteen percentum (15%) of the amount which would be paid to the lessee or grantee if the lessee or grantee and the operator of the absorption plant were not one and the same person.

(3) The royalty to be computed, levied and collected on natural gas obtained from every location, consumed for some useful purpose off the



**Indian Act—continued**

location or sold shall be fifteen per centum (15%) of the selling price or fair value at the time and place of production, provided that for the purposes of this subsection each sub-lease shall be deemed to be a location; provided, further, that in no event shall the royalty to be computed, levied and collected as herein provided be less than one-quarter of one cent ( $\frac{1}{4}c$ ) per thousand cubic feet (mcf).

44. The lessee shall pay and discharge all rates, assessments and taxes, properly imposed by any Provincial, municipal, improvement, school, irrigation or drainage districts, now charged or hereafter to be charged upon the said demised premises, as occupant, or upon the said lessee or occupier in respect thereof or payable by either in respect thereof.

45. The lessee shall not assign, transfer or sublet the rights described in his lease, or any part thereof, or any interest therein, without the consent in writing of the Minister being first had and obtained, and no assignment of such rights shall be accepted and recorded in the Department unless it is unconditional. The fee for approval of the assignment shall be five dollars.

46. The lessee may be permitted to relinquish at any time the whole or any portion of the location described in his lease provided he has complied with the provisions of the regulations to the satisfaction of the Minister and that all payments on account of rental to the date of such relinquishment or other liability to the Indian Affairs Branch due in connection with the lease, have been fully made and satisfied and provided the portion of the location which may be retained shall be of the prescribed shape, and shall not be of a less area than 160 acres, but in such event the lessee shall not be entitled to repayment of any portion of the rentals paid in advance.

47. If it is not established to the satisfaction of the Minister that petroleum or natural gas in paying quantity has been discovered on the leasehold, the lease shall be subject to termination upon one year's notice in writing being given to the lessee by the Minister or Director.

48. At the end of each year of the lease, or whenever so required by the Minister, the lessee shall furnish a statement supported by affidavit, showing the number of days during the year that operations were carried on upon the location; the number of men employed in such operations; the character of the work done; the depth attained in each drilling operation; the total expenditure incurred; a detailed statement setting out fully the purpose for which such expenditure was incurred; the quantity of petroleum and natural gas or either of them obtained and the amount realized from the sale thereof. Failure to furnish such yearly return within a period of ninety days shall render the lease subject to cancellation.

49. The lessee shall furnish to the Branch at least once a year a plan in duplicate showing the position of all wells, pipe lines, tanks, buildings, or other structures on the location under lease and such plan shall be prepared on a scale of not less than 200 feet to the inch.

50. It shall be lawful for the Director or any officer duly authorized by him at all times to enter upon the location or group of locations and have access to all wells, records, plant and equipment and the lessee shall render such assistance as may be necessary or essential and such officer shall have the right to take samples, particulars or carry out tests or examinations desired.

**Indian Act—continued**

**51.** The lessee shall clear all combustible material from the area around any well or other works constructed or operated by him to the satisfaction of the Minister and, where necessary and practicable, the lessee shall construct and maintain a ploughed fireguard around such area.

**52.** The Minister may reserve from disposal the whole or any portion of the petroleum and natural gas rights on any lands as in his sole discretion he may consider desirable and may dispose of such reserved portion or portions by auction or tender, and the procedure for such disposal shall be that prescribed by the Minister.

**53.** When a petroleum and natural gas lease, issued under the provisions of these regulations, is cancelled the rights described in such lease shall not again become available for disposal under these regulations for a period of one year thereafter, provided, however, that the Minister may dispose of such rights by public auction, competitive tender or otherwise as he may determine.

**54.** The lessee shall before beginning drilling operations on a location acquired under the provisions of these regulations notify the Director in writing on forms obtainable from the Branch, of his intention to begin such operations. The lessee shall not begin drilling operations on any location until he has received in writing the approval of the Director of the proposals submitted under this section. No change in the programme outlined in the notice of intention to begin operations shall be made without submitting notice of the change of plans to the Director and receiving approval of such change.

**55.** The lessee shall keep a daily report of operations on forms obtainable from the Branch or on forms approved by the Branch and such report shall be made in duplicate, one copy being at all times retained at the well and open to inspection by any duly authorized officer of the Department. The original reports shall be countersigned by the lessee and forwarded to the Branch at the end of every week during the course of operations.

**56. (1)** The lessee shall cause to be preserved and maintained a series of samples of the formations penetrated by the drill in each drilling operation, such samples to be taken from successive depths of ten feet or at such intervals as may be prescribed by the Director and such samples shall be washed, dried, accurately labelled, and forwarded as requested to the Branch.

**(2)** When drilling methods resulting in the recovery of cores are employed the lessee shall cause samples to be taken from the cuttings carried up by the flush water from successive intervals of ten feet in depth or at such intervals as may be prescribed by the Director. He shall also keep and preserve all cores recovered in properly constructed and marked core boxes and such cores shall be available for inspection and examination by any duly authorized officer of the Department.

**(3)** When cores are taken from the core barrel they shall be released into the core box and shall be protected from theft or misplacement by being housed in a suitable building and under lock and key, and no final disposition shall be made of such cores except with the written permission of the duly authorized officer of the Department. When the breaking up of cores for detailed geological examination is permitted, the lessee shall furnish to such officer an accurate report of such examination.

**Indian Act**—*continued*

57. The lessee shall, during the drilling of a well, make or cause to be made tests for the purpose of ascertaining to what extent, if any, the well deviates from the vertical and shall set forth the results of such test or survey in writing on the daily drilling report. Should it be ascertained that the well has deviated more than four degrees ( $4^{\circ}$ ) from the vertical the lessee shall take steps to correct such deviation. When the drilling has reached the horizon from which it is expected to obtain production the lessee shall make or cause to be made a survey for the purpose of ascertaining the depth and position of the bottom of the well in relation to the top of the well. In case such survey shows that the position of the bottom of the well projected to the surface is nearer to the boundary of the lease, upon which the well is drilled, than a distance equivalent to one-half of the total distance from the top of the well to the nearest boundary, the well shall not be completed and shall not be brought into production and the Minister may require the lessee to redrill the same in such manner as he may prescribe and the lessee shall cause such requirement to be complied with without delay.

58. (1) When during operations on a petroleum and natural gas location acquired under these regulations petroleum or natural gas or both be discovered, the lessee shall immediately notify the Branch of the same by the most reasonably expeditious means.

(2) When during drilling or production operations water makes its appearance in a well or any indication appears that may reasonably be taken as evidence of change in the source or other condition of water already notified as having appeared in a well, the lessee shall immediately notify the Branch with the fullest details available and when the drilling system permits shall take and preserve in a clean and enclosed glass or earthenware vessel a quantity of not less than one gallon of such water to be placed at the disposal of the Branch for analysis, and shall when so directed afford any duly authorized officer such facilities as may be necessary for sampling the water in or at the well.

59. (1) The lessee of a location upon which a well has been or is being drilled shall use every means and endeavour in accordance with the most approved practice to shut off water above or below the petroleum or natural gas-bearing stratum or strata to test the efficiency of such shut-off and to prevent water from penetrating such petroleum or natural gas-bearing strata.

(2) The lessee shall give to the duly authorized officer of the Branch reasonable notice of the time he intends to test the shut-off of water in a well on any location. The officer acting on behalf of the Branch shall be present at such test and shall report the result in writing, a copy of which report shall be sent to the lessee. If the test be unsatisfactory he shall so notify the lessee and shall within five days after the completion of the test order such additional work as he deems necessary to shut off the water in such well and in such order designate a day upon which the lessee shall again test the well, which day may upon the application of the lessee be changed from time to time in the discretion of the Branch.

60. When it appears to the Director that water is penetrating any petroleum or natural gas-bearing stratum penetrated in a well drilled on a location acquired under these regulations or that water in such a well is likely to become injurious to the economic production of oil or gas from



**Indian Act—continued**

the structure upon which such well is drilled, he may order a test of water shut-off and designate a day upon which the same shall be made; such order shall be in writing and shall be served upon the lessee at least five days prior to the day designated in the said order upon which the test of the said shut-off shall be made. Upon receipt of such order the lessee shall make the said tests in the manner and at the time specified.

**61.** The lessee shall make adequate provision for the control and conservation of petroleum and natural gas before any well is drilled into a potentially productive stratum.

**62.** The lessee shall confine natural gas to its original stratum whenever such gas be struck in commercial quantity or a gas-bearing stratum known to contain natural gas in quantity be penetrated in a well drilled under these regulations until such time as the gas be produced and utilized without waste.

**63.** The lessee shall take all reasonable and proper precautions to prevent waste of petroleum or natural gas should either or both be discovered in a well drilled on a location acquired under these regulations, and his operations shall be so conducted as to enable him immediately upon discovery to control and prevent the escape of such petroleum and natural gas.

**64.** The lessee of a petroleum and natural gas location shall not allow the use of explosive or acid in a well drilled on a location acquired under these regulations until the consent of the Director has been obtained in writing. Such shooting or such use of acid shall be so conducted as to prevent damage to the well or to the petroleum or natural gas-bearing formations penetrated by the well. The lessee shall submit to the Branch a report of the result of such shooting or treatment by acid. This section shall be understood to apply to the use of explosive or acid in or at a borehole regardless of the quantity or purpose.

**65.** (1) When natural gas from any well contains natural gasoline such natural gasoline shall be subject to the same regulations as are applied to petroleum within the meaning of these regulations.

(2) When natural gas from any well is produced with petroleum or water such natural gas shall be efficiently separated from the petroleum, natural gasoline, or water. The method of separation as well as the type and size of the equipment used in separation shall be subject to the approval of the Director.

(3) The content of gasoline of any casing-head gas shall be determined by such method and in such manner as the Director may direct.

(4) The Director may order that a test be made of the content of gasoline of any natural gas and if in his opinion natural gasoline be present in paying quantity he may require that such natural gasoline shall be separated, conserved, and utilized as provided in these regulations.

**66.** The surface equipment of every natural gas well shall include such fittings as will enable a duly authorized officer of the Department to test the rock pressure or working pressure of a gas well at any time.



**Indian Act**—*continued*

**67.** The lessee of a petroleum and natural gas location at such times and in such manner as the Director may direct shall take a gauge of the volume and rock pressure of all wells producing natural gas on the location and shall forward the report of such tests to the Branch.

**68.** When gas from any well is being produced the flow thereof shall be restricted to twenty-five per cent of the potential capacity as computed from the test made in accordance with section 66, provided that the Director may in his discretion allow such additional proportion to be produced as he may deem expedient.

**69.** (1) Every well producing gas shall be equipped with an approved gas meter and all production drawn from such well shall be measured by meter. The meter shall be at or near the well and any by-pass around such meter shall be closed by a blank disc inserted in the same manner as an orifice plate, which may be sealed by a duly authorized officer of the Department and only unsealed in an emergency or to repair the meter, notice of such unsealing shall be furnished to the Director, immediately or previous to the unsealing if possible and as soon as the repairs are effected the by-pass shall again be closed and sealed.

(2) Each meter shall be properly housed and locked and any duly authorized officer of the Department shall have access to well meters at all times, and shall make such reasonable tests as he may see fit.

(3) The lessee shall furnish to the Director at the end of each month a statement showing the amount of natural gas produced each day through the meter.

(4) The Minister may allow wells to be grouped for the purpose of measuring the gas.

**70.** If petroleum or natural gas is being produced from any well or wells, the lessee shall file with the Director on forms obtainable for this purpose, not later than the 15th day of each month, a full report of the petroleum or natural gas produced during the preceding month.

**71.** The Minister may, whenever he may deem it necessary or expedient, determine the allowable production of any well or wells and regulate the taking of petroleum or natural gas from any natural source of supply so as to prevent waste or the reduction of the ultimate recovery of any petroleum or natural gas from any common reservoir.

**72.** (1) The Minister may assume control of the operation of a well and adopt such means as may appear to him to be necessary or expedient to prevent the escape of petroleum or natural gas if the lessee fails to do so or appears unable to do so.

(2) The Minister may assume control of the operation of a well and adopt such means as may appear to him to be necessary or expedient to prevent the access of water to a well, the access of water to petroleum or natural gas-bearing strata or both, or the escape of water from the well.

(3) The Minister may appoint such agents as he deems necessary and may authorize them to enter upon the premises and perform the work and for that purpose to take possession of and use any drilling rig, derrick, tools, machinery, other appliances or equipment, fuel, water and other materials necessary for the performance of the work, which may be upon the location or which may be the property of the lessee.

**Indian Act—continued**

(4) The Minister may recover from the lessee of the location upon which he takes control of a well for the reasons mentioned in subsections (1) and (2) all costs and expenses incurred in the performance of the operations so undertaken.

**73.** Notice shall be given to the Director immediately drilling or production operations are suspended at any well. Before suspension the wellhead shall be so arranged that no waste of gas or petroleum can occur and that no opportunity be afforded for the access of water to or between the casings.

**74.** The lessee shall not deepen nor undertake the repair or other permanent change to the condition of a well in which drilling has been suspended for a period of more than six months or which has been in production without previously notifying the Director in writing to that effect. Notice of such intention to resume drilling operations must be furnished on a form obtainable from the Branch.

**75.** Where approval has been granted to drill a well on any location beneath which a bed or seam of coal is being worked or in respect of which operations have been started for the working of the coal the lessee shall conform to all requirements that may be prescribed by the Minister as to the manner of drilling, casing, cementing, producing and otherwise to prevent the escape of gas, petroleum, or water into the coal seams or into any mine workings that may be undertaken in connection therewith.

**76.** The lessee shall use every possible precaution in accordance with the most approved practice to stop and prevent waste of petroleum or gas during drilling and producing operations.

**77.** The Minister may prohibit the use of petroleum or natural gas from any well drilled on a location acquired under these regulations for any purpose or by any means he considers to be uneconomical or conducive to waste.

**78.** Before abandoning a well drilled on a location acquired under these regulations and before removing any part of the casing from such well the lessee shall notify the Director in writing, on forms obtainable from the Branch, of his intention so to do, and shall furnish a log of the well if he has not already done so and shall obtain written approval of such abandonment and removal of casing from such officer as the Director may designate. The lessee shall use every effort in accordance with approved practice to shut off and exclude all water from entering the gas, petroleum or coal-bearing strata that may have been penetrated in the well.

**79.** Violation of any provision of these regulations shall render the lease or leases involved subject to cancellation at the discretion of the Minister.

**80.** The Minister may, from time to time, make such orders as may appear to be necessary or expedient governing the manner in which drilling operations shall be conducted, and the manner in which producing wells shall be operated, and such orders as he may deem necessary for the effective administration of these regulations. Failure on the part of the lessee to comply with any such order shall render the lease subject to cancellation in the discretion of the Minister.

**Indian Act**—*continued*

81. Where the Minister considers it is in the interest of conservation he may direct that the lessee shall comply with any or all of the regulations of the Lieutenant Governor in Council of the Province of Alberta heretofore or hereafter established under the authority of the Oil and Gas Wells Act, 1942 being chapter 7 of the Statutes of Alberta, 1942, and any amendments thereto and any or all of the orders of the Petroleum and Natural Gas Conservation Board constituted pursuant to the Oil and Gas Resources Conservation Act being chapter 1 of the Statutes of Alberta, 1938 (second session).

**2. The Indian Revolving Fund Regulations**

P.C. 3634

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of July, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of section 94B of the Indian Act, Revised Statutes of Canada, 1927, chapter 98, is pleased to order as follows:

1. The Indian Revolving Fund Regulations, established by Order in Council P.C. 4906 of 17th November 1948, are hereby revoked; and

2. The annexed regulations entitled "The Indian Revolving Fund Regulations" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

REGULATIONS GOVERNING ADVANCES AND REPAYMENT OF LOANS  
MADE UNDER AUTHORITY OF SECTION 94B OF THE INDIAN ACT

*Short Title*

1. These Regulations may be cited as "The Indian Revolving Fund Regulations".

*Interpretation*

2. In these Regulations:

- (a) "Minister" means the Minister of Mines and Resources;
- (b) "Director" means the Director of the Indian Affairs Branch, Department of Mines and Resources;
- (c) "Indian Superintendent" means the officer appointed as such in respect of any Indian reserve or Indian agency;

**Indian Act—continued**

- (d) "Regional Supervisor" means the Regional Supervisor of Indian Agencies in the Provinces of Prince Edward Island and Nova Scotia, New Brunswick and Quebec, Ontario, Manitoba, Saskatchewan, Alberta, and the Indian Commissioner for the Province of British Columbia.

3. There shall be a "Revolving Fund" in the amount of not more than three hundred and fifty thousand dollars.

4. The Director may, with the approval of the Minister, grant loans from this fund to Indian Bands, group or groups of Indians, or individual Indians for the purchase of farm implements, machinery, livestock, fishing and other equipment, seed grain and materials to be used in native handicrafts. The Director may also, with the approval of the Minister, expend and loan money from the said fund for the carrying out of co-operative projects on behalf of the Indians.

5. (1) (a) Loans to an Indian Band shall not exceed the sum of Seven Thousand Five Hundred Dollars (\$7,500.00).

(b) Loans to a group or groups of Indians shall not exceed the sum of Three Thousand Dollars (\$3,000.00).

(c) Loans to an individual Indian shall not exceed the sum of Seven Hundred and Fifty Dollars (\$750.00).

(2) All such loans shall be repayable in five annual instalments with interest on the principal sum at the rate of five (5) per cent per annum and shall be deposited to the credit of the Revolving Fund Account, provided that the Minister if he deems it in the public interest may:

(a) reduce the term of any such loan; or

(b) require that the principal sum, with accrued interest, shall be repayable on demand.

(3) The restriction as to the amount of loans in this section mentioned shall not, however, apply in the case of co-operative projects on behalf of the Indians.

6. Loans made under these regulations to Indian Bands, group or groups of Indians and individual Indians, and money expended or loaned for co-operative projects on behalf of the Indians, shall not in all exceed in any one year the sum of one hundred thousand dollars (\$100,000.00).

7. (1) Applications for loans by an Indian Band shall be in the form prescribed by the Minister and shall be signed by the Chief of the Band, duly authorized so to sign by resolution of the Band, and by the Indian Superintendent with the approval of the Regional Supervisor or Indian Commissioner endorsed thereon.

(2) Applications for loans by individual Indians or group or groups of Indians, shall be in the form prescribed by the Minister and shall be signed by the applicant or applicants and by the Indian Superintendent with the approval of the Regional Supervisor endorsed thereon.

8. The loans aforesaid shall be secured by lien notes in the form prescribed by the Minister and shall be signed, in the case of a loan to an Indian Band, by the Chief of the Band and the Indian Superintendent, and in the case of a loan to a group or groups of Indians, or to an individual Indian, by the applicants or applicant therefor, and the Indian Superintendent.



**Indian Act**—*continued*

9. Title to all property purchased with loans obtained from the fund shall vest in His Majesty in right of Canada and shall remain so vested until payment of the loans has been made in full.

**3. Regulations for the Disposal of Quartz Mining Claims within Indian Reserves**

P.C. 5069

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 10th day of November, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of subsection (2) of section 50 of the Indian Act, Revised Statutes of Canada, 1927, chapter 98, is pleased to order as follows:

1. The Regulations for the Disposal of Quartz Mining Claims within Indian Reserves, established by Order in Council P.C. 2113 of 31st August, 1938, as amended, are hereby revoked; and

2. The annexed regulations entitled "Regulations for the Disposal of Quartz Mining Claims within Indian Reserves" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

**REGULATIONS FOR THE DISPOSAL OF QUARTZ MINING CLAIMS  
WITHIN INDIAN RESERVES**

1. These regulations shall apply to minerals as herein defined within Indian Reserves and Indian lands, except those situated in the Province of British Columbia.

*Interpretation*

2. In these regulations, unless the context otherwise requires:

- (a) "Minister" means the Minister of Mines and Resources.
- (b) "Department" means the Department of Mines and Resources.
- (c) "Director" means the Director of the Indian Affairs Branch, Department of Mines and Resources.
- (d) "Indian Affairs Branch" means the Indian Affairs Branch of the Department of Mines and Resources.
- (e) "Indian Reserves" means Indian Reserves and Indian Lands.
- (f) "mineral" means all deposits of gold, silver and all naturally occurring useful minerals other than placer deposits, peat, coal, petroleum, natural gas, bitumen and oil shales.

**Indian Act—continued**

Limestone, marble, clay, gypsum, or any building stone when mined for building purposes, earth, ash, marl, gravel, sand, as well as any element which may, in the opinion of the Minister, form a portion of the agricultural surface of the land, shall not be considered as mineral within the meaning of these regulations.

- (g) "mineral claim" means a plot of ground containing mineral, staked out and acquired under the provisions of these regulations.
- (h) "holder, recorded holder" or "recorded owner" means any person in whose name a mineral claim, acquired under these regulations, stands recorded in the records of the Department.
- (i) "Mining Recorder" means the officer of the Department of Mines and Resources appointed as such by the Minister.
- (j) "Mine Assessor" means the person so designated from time to time by the Director.

*Conditions and Regulations Respecting Prospecting and Mining*

3. Any person or any corporation authorized to prospect for minerals under the laws of the Province in which an Indian Reserve is situate, wherein it is desired to enter upon for the purpose of prospecting for minerals, may, after obtaining a permit from the Director prospect for minerals upon Indian Reserves except as hereinafter mentioned, and may acquire the exclusive right to carry on mining operations in a specified area by staking out and recording a claim therefor, and upon performing and filing proof of the performance of the prescribed development work with the Director and upon obtaining a survey and plans of the area staked and entering into a lease with the Minister in the prescribed form.

*Permits to Prospect*

4. No person or corporation, not the holder of a prospector's permit shall prospect for minerals upon Indian Reserves subject to these regulations, or stake out, record or acquire any mineral claim or area of land for which a lease has not already been issued or acquire any right or interest therein.

5. (1) Any person or any Dominion or Provincial corporation duly licensed to transact business or hold lands and authorized to prospect for minerals under the laws of the Province in which an Indian Reserve is situate wherein it is desired to enter upon for the purpose of prospecting for minerals shall be entitled on payment of the fee of \$5.00 to obtain a prospector's permit in the prescribed form.

(2) The permit shall be dated on the day of issue thereof and shall expire at midnight on the 31st day of March then next ensuing.

(3) The permit shall not be transferable.

(4) A permit shall not be issued to a corporation if it is incorporated under the laws of the Dominion or a Province unless or until it has satisfied the Director that it is so incorporated. A Provincial corporation wishing to obtain a permit in a Province other than that of its incorporation shall file with the Director a copy of the licence authorizing the corporation to transact business or hold land in the Province in which a permit is required verified by an affidavit of an officer of the corporation.

(5) A prospector's permit held by a corporation shall not entitle any shareholder, officer or employee thereof to the rights and privileges of a permit holder.

**Indian Act**—*continued*

(6) A permit holder shall be entitled to a renewal of his permit, in the prescribed form, on production of his permit before the expiration thereof and on payment of the prescribed fee.

(7) The Director, upon proof to his satisfaction of the wilful contravention by any permittee of any of the provisions of these regulations, may revoke the permit of such permittee.

(8) The permittee, his agent or employees shall exercise every care in the use of fire. Any infraction of existing fire laws on the part of the permittee, his agents or employees shall render the permit liable to cancellation.

*Lands open for staking*

6. Subject to the provisions herein contained, the holder of a prospector's permit may prospect for minerals and stake out a mineral claim on any Indian Reserves surveyed or unsurveyed which have been declared open for staking by the Minister provided none of the said lands are under staking or record as a mineral claim which has not lapsed or been abandoned, cancelled or forfeited or withdrawn from prospecting or staking by the Minister.

7. A permit holder for himself or on behalf of any other permit holder may stake out a mineral claim on any Indian Reserve open for prospecting and subject to the other regulations herein contained, may work such claim and transfer his interest therein to any permit holder, but where the surface rights in the land have been leased or are held under licence or location ticket issued by the Director a mineral claim may be staked but compensation must be made as provided hereinafter.

*Lands not open*

8. No person or corporation shall prospect for mineral or stake out a mineral claim on any part of any Indian Reserve used as a garden, orchard, vineyard, nursery or plantation or upon which crops, which may be damaged by such prospecting, are growing or on that part of any Indian Reserve upon which is situated any artificial reservoir, dam or waterworks or any dwelling house, out-house, manufactory, public building, church or cemetery, except with the consent of the Director.

9. A water power lying within the limits of a mineral claim shall not be deemed to be part of the claim for the uses of the permit holder and a road allowance of one chain in width shall be reserved on both sides of the water, together with such additional area of land as in the opinion of the Director may be necessary for the development and utilization of such water power.

10. The Minister may, provided the same have not been staked or leased, withdraw from prospecting and staking out temporarily or permanently any lands within an Indian Reserve declared open for staking.

*Compensation*

11. No person or corporation shall enter upon for prospecting or mining purposes or shall mine upon lands leased or held under licence or location ticket until adequate security has been given to the satisfaction of the Mining Recorder for any loss or damage which may be thereby caused

**Indian Act—continued**

and any person or corporation so entering, locating, prospecting or mining upon any such lands shall make full compensation to the lessee, licensee or locatee of such lands for any loss or damage so caused, such compensation in case of dispute to be determined by the Director.

*The mode of staking and size and number of mineral claims*

12. Except as otherwise declared by the Minister, the rules governing the mode of staking and the size and number of mineral claims in force from time to time in the Province or in the part thereof within which any Indian Reserve is situate shall apply to the staking of mineral claims on any such reserve.

13. A permit holder or other person who for any purpose does any staking out or plants, erects, or places any stake, post or marking upon any land open to prospecting except as authorized by these regulations, or causes or procures the same to be done, or who stakes out or partially stakes out any such land, or causes or procures the same to be done, and fails to record the staking out with the recorder within the prescribed time, shall not thereafter be entitled to again stake out such lands or any part thereof, or to record a mineral claim thereon, unless he notifies the recorder in writing of such staking out, partial staking out, or planting, placing or marking and of his abandonment thereof and satisfies the recorder by affidavit that he acted in good faith and for no improper purpose and pays to the recorder a fee of \$20 and procures from him a certificate stating that the recorder is satisfied that he so acted.

14. Substantial compliance as nearly as circumstances will reasonably permit with the requirements of these regulations as to the staking out of mineral claims shall be sufficient.

*Applications to record*

15. (1) A permit holder who has staked out a mineral claim or upon whose behalf a mineral claim has been staked out, shall within thirty (30) days thereafter furnish the recorder with an outline, sketch or plan of the mineral claim showing the corner posts and the witness posts, if any, and their distance from each other in feet, together with an application setting forth the name of the permit holder by whom the claim was staked out, and of the permit holder on whose behalf the application is made, and the number of their permits, and such other information as will enable the recorder to indicate the claim on his office map, the length of the outlines, and if for any reason they are not regular, the nature of such reason, the day and hour when the claim was staked out and the date of application, and with the application shall be paid a fee of \$10.00 for each claim.

(2) The application and sketch or plan shall be accompanied by an affidavit, in the prescribed form, made by the permit holder who staked out the claim, showing the date and hour of the staking out and stating that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking out there was nothing upon the lands to indicate that they were not open to be staked out as a mineral claim, that the deponent verily believes they were as open and that the



**Indian Act—continued**

staking out is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part, no buildings, clearing, or improvements for farming or other purposes except as set forth in the affidavit.

(3) Where it appears that there has been an attempt made in good faith to comply with the provisions of these regulations, the inclusion of more or less than the prescribed area in a mineral claim, or the failure of the permit holder to describe or set out in the application, sketch or plan furnished to the recorder the actual area or parcel of land staked out shall not invalidate the claim.

(4) A permit holder by or on whose behalf an application is made to record a mineral claim shall at the time of the application produce the permit of the permit holder by whom the staking out was done and of the permit holder by or on whose behalf the application is made to the recorder, and the recorder shall endorse and sign upon the back of the last mentioned permit a note in writing of the record of the claim.

(5) The recorder shall forthwith enter in the proper book in his office the particulars of every application to record a mineral claim which he deems to be in accordance with the provisions of these regulations, unless a prior application is already recorded and subsisting for the same, or for any substantial portion of the same lands or mineral rights, and he shall file the application, sketch or plan and affidavit with the records of his office; and every application proper to be recorded shall be deemed to be recorded when it is received in the recorder's office, if all requirements for recording have been complied with, notwithstanding that the application may not have been immediately entered in the record book.

(6) As soon as reasonably possible after the recording of the mineral claim, and not later than the expiration of the time for performing the first instalment of work, the holder of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim, and in default the claim may be cancelled by the recorder on the application of any one misled by the lack of such tags. The recorder on application shall supply such numbered tags free of charge.

*Rights of permit holder*

16. The staking out or the filing of an application for or the recording of a mineral claim, or all or any of such acts, shall not confer upon a permit holder any right, title, interest or claim in or to the mineral claim, other than the right to proceed, as in these regulations provided to obtain a certificate of record and a lease from the Minister.

*Address for service*

17. (1) Every application for a mineral claim and every other application and every transfer or assignment of a mineral claim or of any right or interest acquired under the provisions of these regulations shall contain, or have endorsed thereon, the place of residence and post office address of the applicant, transferee or assignee.

(2) No such application, transfer or assignment shall be filed or recorded unless it conforms with the provisions of the next preceding subsection.

**Indian Act—continued**

(3) Another person resident in the Province in which the mineral claim is situate may be substituted as the person upon whom service may be made by filing in the office in which any such application, transfer or assignment is filed or recorded, a memorandum setting forth the name, residence and post office address of such other person, and such substitution may be made from time to time as occasion may require.

(4) Service upon the person named as the person upon whom service may be made, unless another person has been substituted for him under the provisions of subsection 3, and in case of such substitution upon the person substituted shall have the same effect as service upon the person whom he represents.

(5) The provisions of the next preceding subsection shall apply to every notice, demand or proceeding in any way relating to a mineral claim or to mining rights or to any other right or interest which may be acquired under the provisions of these regulations.

*Agreements and transfers*

**18.** (1) A transfer of a mineral claim or of any interest therein shall be in the prescribed form and shall be signed by the transferor or by his agent authorized by instrument in writing. Such transfer shall be recorded in the office of the recorder and a fee of \$2.00 paid by the transferee to the recorder for recording each claim or each interest in a claim transferred.

(2) No transfer or assignment of or agreement or other instrument affecting a mineral claim or any recorded right or interest acquired under the provisions of these regulations, shall be entered on the record or received by the recorder unless the same is approved in writing by the Director and purports to be signed by the recorded holder of the claim or right or interest affected or by his agent authorized by recorded instrument in writing, nor shall any instrument be recorded without an affidavit in the prescribed form, attached to or endorsed thereon, made by the subscribing witness to the instrument.

**19.** In the event of the Director receiving notice of any right or interest in any mineral claim claimed by any person or corporation other than the recorded holder thereof, the Minister may in his sole discretion, refuse to enter into any lease of said mineral claim until an instrument, executed by the person or corporation so claiming, releasing his, her or its claim, has been recorded or until a judgment of a Court of competent jurisdiction has been recorded, defining the rights of the parties interested.

*Working Conditions*

**20.** (1) The recorded holder of a mineral claim heretofore or hereafter recorded shall, within 5 years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of two hundred days' work of not less than eight hours per day, which work shall be performed as follows: At least thirty days' work within three months immediately following the recording of the claim, and not less than forty days in each of the remaining four years provided that in any one of the said five years ten days additional work shall be done to make up the total of two hundred days;

**Indian Act**—*continued*

Provided that the Minister or Mining Recorder may grant an extension of time up to six months within which the initial thirty days' work may be performed.

(2) The recorded holder of a mineral claim shall pay a rental of fifty cents per acre per annum for the area contained in the recorded claim for the third, fourth and fifth work years; provided that if the required work is completed within the first two years the recorded holder will thereby be relieved from the payment of rent under this section.

(3) The work may be completed in a less period of time than herein specified. If more work is performed by or on behalf of the recorded holder than is herein required during the first three months or in any subsequent year, the excess upon proof of the same having been performed shall be credited by the recorder upon the work required to be done during any subsequent year.

(4) Boring by diamond or other core drill shall count as work at the rate of one day's work for every foot of boring and work by a machine drill operated by compressed air shall count as work at the rate of three days' work for each man necessarily employed upon each drill so operated.

(5) The recorded holder of a mineral claim shall, not later than ten days after each of the periods specified, make a report as to the work done or caused to be done, by him during such period, verified by affidavit but a report shall not be required for any period in which in consequence of the work having been previously done and reported no work has been done. The report shall show in detail the names and residences of the men who performed the work and the dates upon which each man worked in its performance, together with a sketch of the claim showing the location of the work.

(6) A permit holder may perform all the work required to be performed by him in respect of not more than six contiguous mineral claims held by him on one or more of such claims, and the report and affidavit to be filed by him in respect of such work shall certify the claim or claims on which the work was performed and the claims upon which it is to be applied.

(7) The construction of houses or roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section.

(8) The survey of a mineral claim in compliance with section 25 shall count as forty days labour performed on the same claim.

(9) Survey by a recognized geo-electrical or geo-physical method may be counted as work at the rate of one day's work for each man necessarily employed in each survey.

*Computation of time-extensions*

**21.** The period of time between the 16th day of November and the 15th day of April, both days inclusive, shall be excluded from the time for performing the first instalment of work, but this shall not have the effect of extending the time for the performance of any subsequent instalment of work.

**22.** If by reason of pending proceedings or of the death or incapacity from illness of the holder of a mineral claim, the work is not performed



**Indian Act—continued**

within the prescribed time, the Director may from time to time extend the time for the performance of such work for such period as he may deem reasonable and he shall forthwith enter a note of every such extension on the record of the claim.

*Abandonment*

**23.** (1) A permit holder may, at any time, abandon a mineral claim by giving notice in writing to the recorder of his intention so to do.

(2) Non-compliance by the permit holder with any requirement of these regulations as to the time or manner of the staking out and recording of a mineral claim or with a direction of the recorder in regard thereto, within the time limited therefor, shall be deemed to be abandonment, and the claim shall, without any declaration, entry or act on the part of the Director be forthwith open to prospecting and staking out.

*Forfeiture*

**24.** (1) All the interest of the holder of a mineral claim before the lease thereof has issued shall, without any declaration, entry or act on the part of the Director cease and the claim shall forthwith be open for prospecting and staking out,

- (a) if the permit of the holder has expired, and has not been renewed;
- (b) if, without the consent in writing of the Director or for any purpose of fraud or deception or other improper purpose, the holder removes or causes or procures to be removed any stake or post forming part of the staking out of such mineral claim, or for any such purpose changes or effaces or causes to be changed or effaced any writing or marking upon such stake or post;
- (c) if the prescribed work is not duly performed and/or the required rental is not paid;
- (d) if any report required under these regulations is not made and filed with the recorder in reference to the work performed as herein required;
- (e) if the application for the lease required herein and initial payment thereunder is not made within the prescribed time.

(2) The recorder upon any forfeiture or abandonment of or of loss of rights in a mineral claim, shall forthwith enter a note thereof, with the date of entry, upon the record of the claim and mark the record of the claim cancelled.

*Survey of mineral claims*

**25.** (1) Before a lease of a mineral claim in unsurveyed territory is issued the claim shall be surveyed by a Provincial Land Surveyor at the expense of the applicant who shall furnish to the recorder before or with his application the surveyor's plan in duplicate, field notes and description showing a survey in conformity with the regulations governing the disposal of quartz mineral claims in the Province in which the claim is situated.

(2) The Surveyor, before proceeding with such survey, shall examine the application and sketch or plan of the claim or certified copies thereof and before completing or filing his survey ascertain by careful examination



**Indian Act**—*continued*

of the ground and by all other reasonable means in his power whether or not any other subsisting claim conflicts with the claim he is surveying, and no survey shall be accepted unless accompanied by a certificate signed by the Surveyor in the following form:

I hereby certify that I have carefully examined the ground included in mineral claim No. . . . . surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith, and I certify that I have found no trace or indication and have no knowledge or information of any such claim except as follows: (if none so state, if any, give particulars).

(3) The Surveyor immediately after the completion of every survey of a mineral claim made by him shall deliver or forward by registered post to the Director a certified copy of the plan and of his field notes and the description of the claim.

(4) Claims found upon survey to contain a greater area than that prescribed by the regulations of the Province in accordance with which such claims were staked shall be dealt with in the manner prescribed by the regulations of such Province.

**26.** All mineral claims shall be subject to any taxes, rates or other assessments which may be legally imposed and the holder of any mineral claim upon receipt of any bill therefor, shall pay the same promptly.

**27.** The recorded holder of a mineral claim shall not at any time lop, top, cut down or destroy any timber or trees growing on the mineral claim further than may be necessary for the proper working of the claim.

**28.** Upon compliance with the requirements of the Indian Act and these regulations as aforesaid and upon application within one year from the date upon which all work on any mineral claim is required to be performed, the claim holder shall be entitled to a lease thereof in the prescribed form for 21 years. The rent payable thereunder for the first 5 years shall be \$1.00 per acre per annum; for the second 5 years \$1.50 per acre per annum, and for the remaining 11 years \$2.00 per acre per annum with the right of renewal for further periods of 10 years, subject to such rentals, terms and conditions as may be deemed advisable by the Minister, provided the lessee shall furnish evidence satisfactory to the Minister to show that during the term of the lease or any renewal thereof he has complied fully with the provisions of such lease or renewal and with the provisions of the regulations in force from time to time during the currency of the lease or renewal and with the terms and requirements of the Indian Act;

Provided, however, that the Minister or Mining Recorder may extend the time for application for lease for an additional year on the application of the holder of a claim supported by his affidavit giving reasons and justification for such extension; a fee of \$2 per claim shall be payable on such application.

*Rules governing mining leases and the calculation of royalties*

**29.** (1) There shall be paid to the Indian Affairs Branch on every mine acquired under the provisions of these regulations an annual royalty on any

**Indian Act—continued**

profits of such mine during any calendar year and the owner, manager, holder, tenant, lessee, occupier or operator of the mine shall be liable for and shall pay to the said Branch an annual royalty on the first day of May in each and every year as follows:

1.	Upon annual profits up to \$100,000.00.....	3 per centum
2.	On the excess above \$100,000.00 up to \$200,000.00.....	4 per centum
3.	“ “ “ \$200,000.00 “ \$300,000.00.....	5 per centum
4.	“ “ “ \$300,000.00 “ \$400,000.00.....	6 per centum
5.	“ “ “ \$400,000.00 “ \$500,000.00.....	7 per centum
6.	“ “ “ \$500,000.00 “ \$600,000.00.....	8 per centum
7.	“ “ “ \$600,000.00 “ \$700,000.00.....	9 per centum
8.	“ “ “ \$700,000.00 .....	10 per centum

(2) The annual profits shall be ascertained and fixed in the following manner, that is to say: The gross receipts from the year's output of the mine, or in case the ore, mineral or mineral bearing substances or any part thereof is not sold, but is treated by or for the owner, tenant, holder, lessee, occupier or operator of the mine upon the premises or elsewhere, then the actual market value of the output, at the pit's mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by the mine assessor shall be ascertained and from the amount so ascertained, the following, and no other expenses, payments, allowances or deductions, shall be deducted and made, that is to say:

- (a) The actual cost of transportation of any output sold, if paid or borne by the owner, tenant, holder, lessee, occupier or operator;
- (b) The actual and proper working expenses of the mine, both underground and above ground, including salaries and wages of necessary superintendents, captains, foremen, workmen, firemen, enginemen, labourers and employees of all sorts employed at or about the mine, together with the actual and proper salaries and office expenses for necessary office work done at the mine and in immediate connection with the operation thereof;
- (c) The cost of supplying power and light, and of the hire of horses or other means of transportation used in the mining operation, or in handling the ore or mineral;
- (d) The actual cost price of food and provisions for all employees aforesaid, whose salaries or wages are made less by reason of being furnished therewith; also the actual cost of fodder for horses used as above mentioned;
- (e) The actual cost price of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (f) Any actual and proper outlay incurred in safeguarding or protecting the mine or mineral product;
- (g) The cost of proper insurance upon the output if paid or borne by the owner, tenant, holder, lessee, occupier or operator and upon the mining plant, machinery, equipment and buildings used for or in connection with the actual mining operations, or for storing the ore or mineral;
- (h) An allowance of a sum for annual depreciation, by ordinary wear and tear, of the said plant, machinery, equipment and buildings, such sum to be based upon the probable annual average cost of

**Indian Act**—*continued*

repairs and renewals necessary to maintain the same in a condition of efficiency and in no case to exceed for any year fifteen per centum of the value at the commencement of such year, such value to be appraised by the mine assessor;

- (i) The cost of actual work done in sinking new shafts, making new openings, workings, or excavations of any kind, or of stripping, trenching or diamond drilling in or upon the lands upon which the mine is situated or upon any other lands belonging to the same owner, lessee, holder, tenant, occupier or operator within or upon the same Indian Reserve, such work having for its object the opening up or testing for ore or mineral; Provided, however, that such expenditure is *bona fide*, and actually made or borne by the person or persons liable or who would but for this provision be liable to a charge upon the said mine under these regulations, and that separate accounts of such expenditure are kept and an affidavit or affidavits giving reasonable details of the nature, extent and location of such work shall be furnished to the Director with the annual statement hereinafter provided for;
- (j) All taxes payable or paid upon the profits of the mine or upon the profits of the mine or mineral work, or upon the profits made in smelting, refining, or otherwise treating any of the products of the mine or mineral work.

(3) No allowance or deduction shall in any case be made for cost of plant, machinery, or buildings, nor for capital invested, nor for interest or dividend upon capital, or stock or investment, nor for depreciation in the value of the mine, mining land, or mining property by reason of exhaustion or partial exhaustion of the ore or mineral, but this shall not restrict the generality of anything hereinbefore in this section contained.

(4) For the purpose of this section, unless a contrary intention appears, the operations, business, matters and things carried on, occurring or existing during the preceding year shall be taken as the basis of fixing, assessing, and ascertaining the royalty hereunder, but the royalty payable shall nevertheless be deemed to be a charge for the calendar year in which it is payable.

**30.** The owner, lessee, tenant, holder, occupier, manager and operator of every mine from which ore, minerals, or mineral-bearing substance is or are being taken, shall within ten days from the commencement of such active operations, notify the Director of the fact that such mine is in active operation, and shall give in such notice the name of the mine, and the name and address of the owner, lessee, tenant, holder, occupier, manager and operator of such mine, and the name and address of the manager, or of some other person, to whom notices to be given under these regulations may be sent (to be known as the name and address for service), and shall forthwith notify such Director of every change in the name and address of such manager or person, and of every change in the ownership, holding, tenancy, management, occupation, or operation of such mine, and of every discontinuance of active operations, and of every recommencement thereof after discontinuance.

**31.** No person, shall ship, send, take or carry away, or permit to be shipped, sent, taken or carried away from the mine from which the same



**Indian Act**—*continued*

has been taken, any ore, mineral, or mineral-bearing substance, or any product thereof, until such person has notified the Director that the mine from which the same has been taken is in active operation.

**32.** (1) Every owner of any mine in active operation shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the 1st day of March in every year, deliver to the Director a detailed statement in which shall be set forth:

- (a) The name and description of the mine;
- (b) The name and address of the person or persons, owning, holding, leasing, managing, occupying and operating the same;
- (c) The quantity of ore, minerals, and mineral bearing substances shipped or sent from or treated on the mining premises during the year ending 31st December last preceding;
- (d) The name or names of the smelter or mill and locality to which the same or any part thereof was sent;
- (e) The cost per ton for transportation to the smelter, refinery or mill, and actual, proper and necessary expenses of making sale, if any, and by whom paid or borne;
- (f) The cost per ton for smelter or mill charges, and by whom paid or borne;
- (g) The quantity of ore, minerals, and mineral-bearing substances treated on the mining premises during the said year;
- (h) The value of the ore, minerals, and mineral-bearing substances shipped after deducting the charges for making sales, and for transportation or for treatment;
- (i) The value of the ore, minerals, and mineral-bearing substances treated on the mining premises;

And such statement shall also show in another column or columns, with reasonable detail, the various expenses, payments, allowances and deductions which are proper to be made under the provisions of these regulations; and such statement shall show by way of summary the total receipts or market value at the pit's mouth of the year's output, as in these regulations specified, and the total amount of expenses, payments, allowances, and deductions proper under these regulations to be deducted therefrom, and the balance of profits for the year as in these regulations provided.

(2) Such statement and information required by this section shall be made and furnished by and under the oath of the owner, manager, holder, lessee, tenant, occupier or operator of such mine; but the Director or any mine assessor may require such information and statement, or any part thereof, to be given or verified under oath by any other or others of such persons, or by any person connected with the ownership, operation, or management of any such mine, and may in addition to the particulars above detailed require any other information, particulars or statements that may be thought expedient, and such requisition or requisitions may be made at any time or times the same may be deemed proper.

**33.** (1) Every person liable to pay any royalty hereunder shall keep at or near the mine, proper books of account of the ore, minerals, or mineral-bearing substances taken from the said mine, containing the quantity,



**Indian Act**—*continued*

weight and other particulars of the same and the value thereof and showing the returns of the amounts derived from the sale of such ores, minerals and mineral-bearing substances; and no ore, mineral or mineral-bearing substances taken out of any mine shall be removed therefrom or treated at any smelter, mill or refining works, until the weight thereof shall have been correctly ascertained and entered in the said books of account; and such person shall also keep proper books showing each of the several expenses, payments, allowances or deductions mentioned herein, and showing any other facts and circumstances necessary or proper for ascertaining the amount of the royalty payable.

(2) If any doubt arises as to where such book or books shall be kept or as to how many, or what books shall be kept, the mine assessor shall determine the number and character of books to be kept and the place or places at which they shall be kept.

**34.** On the first day of March in each and every year during the currency of any quartz mining lease, the lessee shall file with the Director accurate plans of all underground workings at that date on the lands demised.

**35.** "Mine" as referred to in the royalty provision aforesaid shall include any opening or excavation in, or working of the ground for the purpose of mining, opening up or proving any mineral or mineral-bearing substance, and any ore body, mineral deposit, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine.

**36.** The Minister may make such orders and issue such instructions from time to time, as may be necessary or expedient in the public interest, governing the development and operation of any mineral claim or mine acquired under these regulations.

## SCHEDULE OF FEES AND RENTALS

Permit to prospect or renewal thereof .....	\$ 5.00
For recording each claim staked out by a permit holder.....	10.00
Rental of mining claim held under prospector's permit, Third, Fourth and Fifth years, per acre .....	.50
Rental payable under lease first five years \$1.00 per acre per annum; for second five years \$1.50 per acre per annum and \$2.00 per acre per annum for remaining eleven years.	
For filing transfer or agreement to sell or transfer whole or part of a mining claim .....	2.00
For recording extension of time for performing working conditions.	3.00
Application fee for lease of mineral claim.....	5.00
Application for extension of time to apply for lease, for each claim..	2.00
For certificate relieving from disqualification under Section 13.....	20.00
For abstract or copy of entries in record book respecting any mineral claim per folio (100 words) 10 cents. Minimum charge per claim .....	.25

Indian Act—continued

**4. Regulations for the Disposal of Timber from Indian Reserves and Indian Lands**

P.C. 667

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 15th day of February, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and under the authority of section 76 of the Indian Act, Revised Statutes of Canada 1927, chapter 98, is pleased to order as follows:

1. The Regulations governing the disposal of timber on Indian Reserves in the Province of British Columbia, established by Order in Council P.C. 1520 of 5th May, 1921, as amended, are hereby revoked;

2. The Regulations governing the disposal of timber on Indian Reserves other than those situated in the Province of British Columbia, established by Order in Council P.C. 752 of 1st May, 1923, as amended, are hereby revoked; and

3. The annexed "Regulations for the disposal of timber from Indian Reserves and Indian Lands" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

REGULATIONS FOR THE DISPOSAL OF TIMBER FROM INDIAN RESERVES AND INDIAN LANDS

1. These regulations shall apply to the harvesting, sale and disposal of timber from Indian Reserves and Indian Lands.

2. In these regulations, unless the context otherwise requires:

- (a) "Department" means the Department of Mines and Resources;
- (b) "Branch" means the Indian Affairs Branch of the Department of Mines and Resources;
- (c) "Agency" means the administrative district of the Indian Affairs Branch within which the Reserve or timber lies or within which the Indian Band on whose behalf the timber is administered lives or resides;
- (d) "Minister" means the Minister of Mines and Resources;
- (e) "Director" means the Director of the Indian Affairs Branch of the Department of Mines and Resources;

**Indian Act—continued**

- (f) "Agent" means the superintendent or senior field officer of the Indian Affairs Branch in charge of the Agency and includes the Indian Commissioner for British Columbia, all Regional Supervisors and any other officer acting under the instructions of the Minister or Director;
- (g) "Reserve" means any land duly constituted as an Indian Reserve and includes Indian lands;
- (h) "Band" means any organized group of Indians recognized as an Indian Band by the Minister;
- (i) "permit" means any written authority given by an Agent to any Indian or Band of Indians to harvest or dispose of timber products from his or its Reserve or lands;
- (j) "licence" means any written authority or contract issued by the Minister or Director to a person of white status or to any firm or corporation or to any Indian other than a member of the Band on whose behalf the resource is being administered;
- (k) "dues" means any stumpage or royalty charged for the right or privilege of cutting and removal of timber.

**PART I—Permits**

3. Permits to cut timber on Indian Reserves or Indian lands may be granted by the Agent.

4. Permits to cut timber free of dues may be issued to a Band for Band purposes, or to a member or group of members of the Band to cut timber and fuelwood for his or their individual use, but not for sale.

5. With the consent of the Council of the Band, permits to cut timber for sale may be issued to a Band or a member or group of members thereof. For timber harvested from Band land, dues shall be charged at prevailing rates. For timber harvested from individual locations or holdings, the rate of dues may be reduced to one-half of such prevailing rates. The rate to be charged shall be stated in the permit.

6. Timber cut for sale shall be scaled or measured by the Agent or by some competent person appointed by the Band and approved by the Agent, or failing such appointment, nominated by the Agent. The scaling shall be completed within thirty days after cutting, and dues shall be payable on completion of the scale. No timber shall be removed from the Reserve or site of the operation until all dues are paid.

7. The Director may authorize the cutting and sale of timber free of dues as a measure of relief to the Indians.

8. All timber permits shall expire on April 30 in the year following the year of issue.

**PART II—Licences**

9. The Minister or Director may issue licences to cut timber:

- (a) From Indian Reserves following a surrender of timber taken according to the procedure governing the taking of surrenders as provided in the Indian Act;
- (b) From Indian Reserves without a surrender, but with the consent of the Council of the Band when the sale of timber appears to be in the interest of the Indians;

**Indian Act—continued**

(c) Upon Indian lands.

10. Timber licences shall expire on the 30th day of April in the year next following the year of issue and may be renewed annually in accordance with the terms of the contract for the sale of timber.

11. The timber shall be offered for sale by public tender and the advertisement shall specify a period of time in which the whole of the timber shall be cut and removed. Provided however, that should the estimated dues on such timber not exceed the sum of \$1,000.00, advertisement may be dispensed with and the Director may dispose of the timber by private negotiation and sale.

12. The licence fee shall be \$10.00. The annual renewal fee shall be \$5.00.

13. Ground rent shall be paid each licence year at \$10.00 per square mile with a minimum charge of \$10.00, except in British Columbia where the rate shall be 20 cents per acre.

14. Every licensee shall post a security deposit in cash or bonds up to but not exceeding one-quarter of the estimated dues to ensure the completion of the contract and observance of its terms to the satisfaction of the Director. The Minister may convert the security deposit and apply the same against dues in arrears. No licence shall be renewed until the security deposit has been restored to the full amount. Should the licensee fail to comply with any condition of the contract or to complete the operation in a satisfactory manner the Minister may declare the security deposit forfeited to the Crown for the benefit of the Indians.

15. No timber cut under licence shall be removed from the Reserve or Indian lands before it has been scaled and the dues thereon paid. Failing any other provision in the licence, all timber cut from May 1 to November 30 in any year shall be scaled and paid for by January 31 of the following year, and all timber cut from December 1 to April 30 in any licence year shall be scaled and paid for by June 30 following the cutting.

16. (1) A licensee is required to supply at his expense, scalers' returns verified by affidavit as required under his timber licence.

(2) The licensee shall keep a record of timber cut each month and, if required, shall supply a copy of the record to the Director.

17. The licensee shall pay all cost of fire protection service and the costs of suppression of any fire in the limit covered by his licence or occasioned by men employed in the timber operation.

18. Licences may be made subject to the provisions of provincial statutes and regulations in force in the province in which the timber is situated. Compliance with the provisions of such provincial statutes and regulations regarding disposal of slash, prevention of fire hazard and the general conduct of the timber operation may be accepted by the Director as satisfactory in so far as applicable to any particular timber operation.

19. All renewals of timber licences shall be applied for on or before May 1 in each year and if default in such application shall occur and continue for thirty days the licence shall thereupon determine and be at an



**Indian Act—concluded**

end and, in the discretion of the Minister, any security deposit may be declared forfeited. If the limit has not been worked during the licence year, the licensee shall with his application for renewal supply a sworn statement of the reasons for his failure to operate, and a renewal shall be given only if the Director is satisfied therewith.

20. The Director of Indian Affairs or anyone authorized by him shall at all times have free access to and be permitted to examine the books and memoranda kept by any licensee showing the quantity of lumber in board measure sawn from logs and of other timber products cut on his timber berths, and failure to produce such books and memoranda when required so to do shall subject such licensee to a forfeiture of his rights under the licence.

21. Failure on the part of the licensee to comply with the terms of the licence and of these regulations shall, at the discretion of the Minister, be grounds for the suspension or forfeiture of the rights of the licensee, and in the event of such failure the Minister may suspend or forfeit such rights or declare the licence and security deposit forfeited.

22. Timber cut in trespass may be seized and the Director may authorize that it be sold for the benefit of the Band. If the timber is cut in trespass by a licensee exceeding his rights in good faith, the Director may allow him to retain the timber cut in trespass on payment of costs of seizure and dues at a rate to be fixed by the Director which shall not exceed four times the value of the standing timber.

23. The Minister may make such orders as he may deem necessary for the interpretation and effective administration of these regulations. Failure on the part of the licensee to comply with such orders shall render the licence subject to cancellation in the discretion of the Minister.

24. All sales of timber made in accordance with these regulations shall be subject to the provisions of the Indian Act.

**INDUSTRIAL RELATIONS AND DISPUTES INVESTIGATION ACT.  
(1947-48, c. 54)****The Industrial Relations and Disputes Investigation Regulations  
Rules of Procedure of the Canada Labour Relations Board**

P.C. 4682

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 22nd day of October, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Labour and pursuant to the provisions of section 67 of The Industrial Relations and Disputes Investigation Act, chapter 54 of the Statutes of Canada, 1948, is pleased to make and doth hereby make the Regulations entitled "The Industrial Relations and Disputes Investigation Regulations" annexed as Schedule I hereto.

**Industrial Relations and Disputes Investigation Act—continued**

His Excellency in Council, on the same recommendation and pursuant to section 60 of the said Act, is pleased to approve and doth hereby approve the Rules entitled "Rules of Procedure of the Canada Labour Relations Board" made by the Board under authority of the said section 60 and annexed as Schedule II hereto.

N. A. ROBERTSON,  
*Clerk of the Privy Council.*

SCHEDULE I

THE INDUSTRIAL RELATIONS AND DISPUTES INVESTIGATION REGULATIONS

**1.** In these Regulations,

- (a) "Act" means The Industrial Relations and Disputes Investigation Act;
- (b) "Minister" means the Minister of Labour and includes the Deputy Minister of Labour;
- (c) "party" includes a person, corporation, trade union, bargaining agent, employee, employers' organization or employer.

**2.** Any notice, request or complaint that may be given or made to the Minister by any party under the Act may be given or made to the Director of Industrial Relations, Department of Labour, Ottawa, Ontario, for the Minister, and may be given or sent by mail or may be left with the Director for the Minister.

**3.** (1) Where, under the Act or these Regulations, any notice or report is required or authorized to be given or sent by the Minister or a Conciliation Board or an Industrial Inquiry Commission to any party, the notice or report may be given or sent by mail addressed to that party at his place of business or usual abode or may be personally served upon or given to that party or in his absence may be left for that party with any person at his place of business or at his usual place of abode.

(2) Any notice or request authorized or required to be given or sent by the Minister to any party pursuant to the Act giving effect to or giving notice of any direction or decision of the Minister may be given or sent for him by the Director of Industrial Relations, Department of Labour, Ottawa, Ontario.

**4.** Service of any writ issued by the Canada Labour Relations Board or a Conciliation Board or an Industrial Inquiry Commission requiring any person to appear before the Canada Labour Relations Board, Conciliation Board or Industrial Inquiry Commission, as the case may be, to give evidence or to give evidence and to bring with him any documents in his possession or under his control, may be effected by personal service on the person to whom it is directed.

**5.** Any summons, warrant or writ to compel the attendance of a witness or other person before a court, judge or magistrate pursuant to the Act and any notice of appeal from any decision made under the Act by a court, judge or magistrate may be served in the same manner as a like summons, warrant, writ or notice may be served under Part XV of the Criminal Code.

**Industrial Relations and Disputes Investigation Act—continued**

6. In addition to the method of service authorized by section five, service of any summons, warrant, writ or notice mentioned in section five upon a trade union or corporation may be effected by service of the same upon any officer in Canada of such trade union or corporation or by leaving it at the office of the trade union or corporation or at the last or most usual place of abode of any officer of the trade union or corporation with some inmate thereof apparently not under sixteen years of age.

*Notice to commence collective bargaining*

7. A notice to commence collective bargaining given by an employer or employers' organization or a bargaining agent to any other party pursuant to section 12 or 13 of the Act, shall comply with the following provisions:

- (a) the notice shall be signed by the party giving the notice or signed on his behalf in the manner prescribed by section 47 of the Act, and shall be addressed to the party to whom the notice is to be given;
- (b) the notice shall be dated and shall contain a request to the party to whom notice is given to commence collective bargaining with the party giving the notice with a view to the conclusion of a collective agreement between them or to the renewal or revision of any existing collective agreement between them, as the case may be;
- (c) the notice shall designate a convenient time, within twenty days from the date of the giving of the notice, when, and a convenient place where, parties may meet and commence or cause authorized representatives on their behalf to meet and commence collective bargaining.

*Request for the Appointment of a Conciliation Officer or Conciliation Board*

8. Where a request is made to the Minister by a party to collective bargaining, pursuant to section 16 of the Act, to instruct a conciliation officer to assist the parties in collective bargaining or for the appointment of a Conciliation Board, the request shall be accompanied by a statement containing the following information:

- (a) the name and address of the party making the request and of the other party to the collective bargaining;
- (b) the date upon which notice was given under section 12 or 13 of the Act, as the case may be, to the other party to commence collective bargaining, together with a copy of the notice;
- (c) a copy of any existing collective agreement between the parties;
- (d) a statement of the steps that have been taken and the progress that has been made in collective bargaining following the giving of the notice, and the difficulties that have been encountered in connection with the collective bargaining since the date of the giving of the notice.

*Complaint Alleging Violation of a Provision of the Act  
(Sections 43 and 44 of the Act)*

9. (1) Where any complaint is made to the Minister under section 43 or 44 of the Act alleging a violation of a provision of the Act, the complaint may be signed in the manner authorized by section 47 of the Act for the signing of a notice under the Act and shall be duly verified by affidavit or statutory declaration.



**Industrial Relations and Disputes Investigation Act—continued**

- (2) The complaint shall contain the following particulars:
- (a) the name and address of the party making the complaint and of the party against whom the complaint is made;
  - (b) a statement that the party making the complaint is aggrieved because of the alleged violation of the Act, with particulars setting out his interest in the complaint;
  - (c) the provision or provisions of the Act that, it is alleged, have been violated, including a reference to the sections in the Act containing those provisions; and a concise statement of the facts and actions upon which the complainant relies as constituting a violation of the Act, including all relevant dates and names and addresses of persons who are, in the opinion of the complainant, in a position to give evidence to substantiate the complaint, and the nature of such evidence;
  - (d) the steps, if any, that have been taken by or on behalf of the complainant for the adjustment of the matters giving rise to the complaint.

(3) Upon receipt of a complaint, the Minister may request such further particulars of the complaint as he deems necessary from the party making the complaint and may as he deems advisable send forward a notice of the complaint and a copy of the complaint and of any particulars thereof made to and filed with him by the complainant to the party against whom the complaint is made, and may request that party to furnish to the Minister a reply to the complaint duly signed by that party and verified by affidavit or statutory declaration within seven days of receipt by that party of the notice or such further time as may be specified by the Minister.

*Application to the Minister for Consent to Prosecute*  
(Section 46 of the Act)

**10.** (1) Where an application is made by any party to the Minister for consent to prosecute for an offence under the Act, the Minister may require the applicant to submit a written application in accordance with this section.

(2) The application may be signed on behalf of the party making the application in the same manner as is provided by section 47 for the signing of any notice under the Act by the applicant and shall be verified by affidavit or statutory declaration.

- (3) The application shall contain the following particulars:
- (a) the name and address of the applicant and of the party whom it is desired to prosecute;
  - (b) the particulars and nature of the offence alleged to have been committed and the provisions of the Act that it is alleged have been violated, including a reference to the sections of the Act containing those provisions and including the date or dates upon which and the place or places where the offence or offences against the Act were committed or, if a continuing offence, the date upon which the offence commenced and the period of time during which it continued;



**Industrial Relations and Disputes Investigation Act—continued**

- (c) a concise statement of the facts and actions upon which the complainant relies as constituting the violation or violations of the Act in respect of which consent to prosecute is requested, including all relevant dates and names and addresses of persons who in the opinion of the applicant are in a position to give evidence to substantiate the complaint and the nature of such evidence.

4. Upon receipt of an application for consent to prosecute, the Minister may request from the applicant any further particulars that he deems necessary to dispose of the application and may give notice of the application and a copy of the application and of any particulars furnished by the applicant in support thereof as he deems advisable, to the party whom the applicant desires to have prosecuted, and may request that party to file a reply to the application duly verified by affidavit or statutory declaration within seven days following the receipt of the request or such further period of time as the Minister may specify.

**SCHEDULE II****RULES OF PROCEDURE OF THE CANADA LABOUR RELATIONS BOARD***Interpretation***1.** In these rules,

- (a) "Act" means The Industrial Relations and Disputes Investigation Act;
- (b) "Board" means the Canada Labour Relations Board;
- (c) "Chairman" means the Chairman of the Board and includes, during the absence of the Chairman for any reason, the Vice-Chairman of the Board;
- (d) "Chief Executive Officer" means the Chief Executive Officer of the Board;
- (e) "party" includes a person, corporation, trade union, employee, employer, or employers' organization.

**2.** These rules govern the procedure of the Board.

**3.** (1) The forms prescribed by the Board from time to time for use in proceedings before it shall be used in such proceedings; copies of these forms may be obtained for use by any party from the Chief Executive Officer of the Board, Ottawa, Canada.

(2) Where by these rules notices are required to be given by the Board to any party or by any party to any other party or to the Board, the notices shall, unless otherwise in these rules provided, be in writing and may be filed or given or served by being sent by prepaid registered mail or by personal service; notices to be served upon or filed with the Board may be addressed to or served upon the Chief Executive Officer of the Board, Ottawa, Canada.

(3) Where by the Act or by these rules a notice is required to be given by the Board, it may be given by the Chief Executive Officer.

**Industrial Relations and Disputes Investigation Act—continued**

*Quorum of the Board*

4. (1) Three members of the Board including the Chairman and one member representative of employers and one member representative of employees constitute a quorum for the purpose of any hearing or decision of the Board or the transaction of other business of the Board.

(2) The decision of the majority of the members of the Board present and constituting a quorum of the Board is a decision of the Board and, in the event of a tie, the Chairman has a casting vote.

(3) The Chief Executive Officer, with the concurrence of the Chairman, may set down any application or other matter pending before the Board for hearing by the Board and fix the time and place of the hearing, and shall do so in any case upon the request of the Chairman.

(4) Meetings of the Board shall be held as determined by the Board or at the call of the Chairman.

*Enlarging or Abridging Time*

5. When the Board deems it advisable it may postpone or adjourn the hearing or consideration of any matter for such time and from time to time and upon such terms as it may deem fit; or in any matter or proceeding abridge or enlarge the time prescribed by these rules for doing any act, filing any document or instituting any proceedings before it.

*Decisions of the Board*

6. All decisions of the Board shall be evidenced in the form of an order signed by the Chief Executive Officer.

*Amendment of Proceedings*

7. Any application or other document filed with the Board in connection with any proceeding under the Act may be amended at any time by leave of the Board upon such terms and conditions as the Board may prescribe.

*Time for Filing Second Application  
(Section 60 (1) of the Act)*

8. Where an application for certification has been refused by the Board, the Board shall not entertain any further application by the applicant for certification in respect of the same or substantially the same unit of employees until a period of six months has elapsed following the date of the decision, except by special leave of the Board where the Board is of opinion that the prior application was rejected on account of a technical error or omission in connection therewith.

9. (1) Subject to these rules, in any proceedings before it, the Board shall afford an opportunity to all interested parties either to present oral or written evidence or make oral or written representations on the matters at issue as the Board deems advisable in the circumstances.

(2) Where any question arises in any proceedings before the Board as to whether a party is an interested party therein the Board shall decide the question and its decision thereon is final and conclusive.

**Industrial Relations and Disputes Investigation Act—continued***Application for Certification of Bargaining Agent  
(Section 7 of the Act)*

10. (1) An application by a trade union for certification as bargaining agent under section 7 of the Act shall be in writing duly signed on behalf of a trade union as provided in section 47 of the Act and verified by statutory declaration or affidavit of the person or persons who signed the application.

(2) Upon the filing of the application the Board shall give notice thereof and send one or more copies of the application to the employer of the employees in the proposed bargaining unit and to any other interested party.

(3) In any particular case where the Board deems it advisable, the Board may require the employer to post one or more copies of the application and notice and to keep them posted for seven days in a conspicuous place or places in his establishment where they are most likely to come to the attention of the employees in the proposed bargaining unit, and in such case, forthwith upon the expiry of the period of posting, the employer shall file with the Board a statutory declaration proving compliance with the instructions of the Board for posting.

(4) Within seven days of receipt of the notice and copy of the application, the employer and any other party to whom the notice is sent shall notify the Board that he desires or does not desire, as the case may be, to intervene to contest the application and file reply thereto.

(5) Where notice of intervention is filed by the employer or other interested party, the party filing the notice shall file with the Board, within fourteen days of service upon him of the notice and copy of the application referred to in subsection 2, a reply to the application in writing signed on his behalf as provided in section 47 of the Act and verified by affidavit or sworn declaration of the persons who signed the reply.

(6) The reply shall contain a concise statement of the material facts upon which the intervener intends to rely and shall specifically admit or deny each of the statements made in the application.

(7) The reply shall also state whether or not a hearing before the Board is desired by the intervener in order to present evidence or make further representations in the matter, and where a hearing is requested, the reasons for such request, the nature of the further oral representations or evidence that it is proposed to make or present, shall be stated.

(8) Upon the filing of the reply, the Board shall send a copy thereof to the applicant who shall inform the Board forthwith upon receipt thereof whether or not he desires a hearing on the application for the purpose of making oral representations or presenting evidence and the nature of the representations and evidence it is proposed to make or present at the hearing.

(9) Where the Board is of opinion that a hearing on an application is advisable, notice fixing a time and place of the hearing shall be given to the applicant and to the employer and to all other interveners filing replies; the notice may be given by mail, telegraph or telephone.

*Application to the Board to Prescribe a Provision for the Final Settlement  
of Differences Concerning the Meaning or Violation of a  
Collective Agreement. (Section 19 of the Act)*

11. (1) An application to the Board to prescribe a provision for the final settlement of differences concerning the meaning or violation of a



**Industrial Relations and Disputes Investigation Act—continued**

collective agreement may be made to the Board by either party thereto signed in the manner provided in section 47 of the Act and duly verified by affidavit or statutory declaration of the person or persons who signed the application.

(2) The application shall set forth the names and addresses of the parties to the collective agreement in respect of which it is desired to have the provision prescribed, the date of execution of the agreement and its duration, and the reasons for making the application; a true copy of the collective agreement shall be filed with the application.

(3) Upon filing of the application, the Board shall give notice and send a copy thereof to the other party to the collective agreement.

(4) Within fourteen days of receipt of notice and copy of the application, the other party to the collective agreement may file with the Board a written reply to the application signed as provided in section 47 of the Act and verified by affidavit or sworn declaration of the person or persons who signed the reply.

(5) The reply shall contain a concise statement of the facts and arguments upon which the party making a reply intends to rely and shall specifically admit or deny each of the statements made in the application.

(6) The reply shall also state whether or not a hearing before the Board is desired in order to make further oral representations or present evidence and where a hearing is requested, the reply shall state the reasons therefor and the nature of the representations or evidence that it is proposed to make or to present.

(7) Upon the filing of the reply, the Board shall send a copy thereof to the applicant who shall inform the Board forthwith whether or not he desires a hearing on the application and, if so, the nature of the oral representations or evidence that he proposes to make or present at the hearing.

(8) Where the Board is of opinion that a hearing on an application is advisable, notice fixing the time and place of the hearing shall be given to the interested parties; the notice may be given by mail, telegraph or telephone.

*Complaints Alleging Failure to Negotiate  
(Section 43 of the Act)*

**12.** (1) Where the Minister of Labour pursuant to section 43 of the Act has referred to the Board a complaint from a party to collective bargaining that any other party to the collective bargaining has failed to comply with paragraph (a) of section 14 of the Act or with paragraph (a) of section 15 of the Act, the Board shall send a copy of the complaint to the party alleged to be in default and shall by notice require that party to file and that party shall thereupon file with the Board within ten days of receipt of the notice, a reply to the complaint in writing signed in the manner provided by section 47 of the Act and verified by affidavit or statutory declaration of the persons who signed the reply.

(2) The reply shall state whether or not a hearing in the matter is desired and, if so, the nature of the representations or evidence that it is proposed to make or present.



**Industrial Relations and Disputes Investigation Act—continued**

(3) Before proceeding as provided in subsection one the Board may require the complainant to furnish further particulars in writing of the complaint and a full statement of the facts relied upon in support thereof duly verified by affidavit or sworn declaration.

(4) The reply to the complaint shall contain a concise statement of the facts upon which the party making the reply intends to rely and shall set out the facts and circumstances relating to the bargaining negotiations within the knowledge of that party and shall specifically admit or deny each of the statements made in the complaint.

(5) The respondent shall forward with the reply a copy of any notice or notices to commence collective bargaining given by or on behalf of the complainant to the respondent or by the respondent to the complainant and being or purporting to be given pursuant to section 12 or section 13 of the Act and received or given by the respondent, as the case may be.

(6) Where the Board is of opinion that a hearing on a complaint is advisable, notice fixing the time and place of hearing shall be given to the interested parties; the notice may be given by mail, telegraph or telephone.

(7) Upon the filing of a reply, the Board shall send a copy thereof to the complainant.

(8) Notwithstanding anything in this section, the Board may at any time following receipt of a complaint referred to the Board by the Minister, if it deems it expedient to do so, set the matter down for hearing before the Board at such time and place as may be fixed by the Board therefor.

(9) In the disposition of the complaint, the Board may take into consideration the reports of any inquiries made by it or that the Minister of Labour has caused to be made in connection with the complaint prior to the transmission of the complaint to the Board and that the Minister has made available to the Board.

*Failure to Make Reply*

**13.** Where upon an application or other proceedings before the Board, a party fails to give notice or to make reply within the time prescribed by these rules for doing so, that party is not entitled, except by leave of the Board, to any further notice of proceedings in the matter or to make further representations or to give further evidence to the Board in connection therewith.

*Time of Filing**(Section 52, subsection (2) of the Act)*

**14.** (1) Where the Board has directed a trade union or employers' organization to file with it a statutory declaration stating the names and addresses of its officers or a copy of its constitution and bylaws, the trade union or employers' organization shall comply therewith within seven days of the receipt of notice.

(2) Every trade union and employers' organization making application to the Board under these rules shall file with the Board a copy of its constitution and bylaws and the names and addresses of its officers, if they are not at that time already on file with the Board.

**Industrial Relations and Disputes Investigation Act—continued**

*Member in Good Standing  
(Section 7 of the Act)*

**15.** For the purposes of section 7 of the Act, a member in good standing of a trade union shall be deemed by the Board to be a person who, in the opinion of the Board, is at the date of the application for certification

- (a) a member of the union; and
- (b) has, on his own behalf, paid at least one month's union dues for or within the period commencing on the first day of the third month preceding the calendar month in which the application is made and ending upon the date of the application; or
- (c) where he has joined the union within the period mentioned in paragraph (b) has, on his own behalf, paid the union application or admission fee in an amount at least equal to one month's union dues.

*Votes of Employees  
(Section 9 of the Act)*

**16.** (1) Where the Board has directed that a vote be taken of the employees in a bargaining unit, the Chief Executive Officer is responsible for the taking of the vote and reporting thereon to the Board, and, subject to the direction of the Board, he has authority on behalf of the Board to settle all matters pertaining to the taking of the vote and to issue directions deemed necessary by him for the taking of the vote, including, without restricting the generality of the foregoing, authority to—

- (a) settle the list of employees entitled to vote;
- (b) settle the form of the ballot;
- (c) fix the method of voting and the time and place or places for the taking of the vote;
- (d) settle the forms of notice of election and provide for the posting thereof;
- (e) appoint a returning officer, deputy returning officer and poll clerks as he may deem necessary;
- (f) direct, in any case, that certain ballots be segregated and referred to the Board for a ruling;
- (g) give any special directions he may deem necessary as to the proper conduct of the vote.

(2) Every interested party shall comply with every reasonable request made by the Chief Executive Officer, or any person designated by him to assist in the taking of the vote, for information or assistance required by him in the preparation for or the taking of the vote.

**17.** (1) The Chief Executive Officer of the Board, subject to the direction of the Board, is responsible for the processing of applications made to the Board, the issue of notices on behalf of the Board, the conduct of investigations for the Board in connection with applications and other matters coming before the Board and may, subject to the direction of the Chairman, in his discretion, undertake or cause to be undertaken such investigation on the Board's behalf as he deems necessary in the circumstances of the case, and is responsible for the preparation and submission of reports to the Board concerning the matters mentioned in this section, and, subject to the direction of the Chairman, the issue of orders giving effect to the decisions of the Board.

**Industrial Relations and Disputes Investigation Act—concluded**

(2) The Secretary of the Board shall keep a record of the proceedings and decisions of the Board and orders made by it, and shall assist the Chief Executive Officer in the discharge of his duties; in the absence of the Chief Executive Officer for any reason the Secretary shall act in his place.

**INLAND WATER FREIGHT RATES ACT. (R.S.C., 1927, c. 208)**

**Board of Grain Commissioners Order No. 18, Maximum rates from Fort William-Port Arthur**

Whereas the Board of Grain Commissioners for Canada considers it necessary and advisable to amend the orders made in accordance with the provisions of section 5 of the Inland Water Freight Rates Act;

Therefore, in accordance with the provisions of subsection 3 of section 5 of the said Act,

The Board orders

That, effective the Fourteenth Day of October, A.D. 1948, and until further order, the maximum rate for carrying grain by lake and river navigation from Fort William or Port Arthur to the undermentioned ports shall be:

	Wheat and Rye	Barley	Oats	..
To Georgian Bay Ports, Goderich, Sarnia and Walkerville .....	4½ cents	4¼ cents	4 cents per bushel	
To Port Colborne....	6 cents	5¾ cents	5¼ cents per bushel	
To Toronto .....	6½ cents	6 cents	5¾ cents per bushel	
To Kingston .....	7 cents	6½ cents	6¼ cents per bushel	
To Prescott .....	7¼ cents	6¾ cents	6½ cents per bushel	
To Montreal, Sorel Three Rivers and Quebec City Direct...	12½ cents	11¾ cents	11 cents per bushel	
Transferred at Intermediate Ports	13 cents	12¼ cents	11½ cents per bushel	

Except that the above maximum rates are increased in each instance by 2 cents per bushel for tonnage loaded during the month of December, 1948, on account of increased insurance costs.

All Orders heretofore made by the Board under the provisions of the Inland Water Freight Rates Act are hereby rescinded as of this date.

SIGNED and SEALED at WINNIPEG  
in the PROVINCE of MANITOBA  
this THIRTEENTH DAY OF OCTOBER  
A.D., 1948. }

D. G. McKENZIE,  
Chief Commissioner.

J. RAYNER,  
Secretary.

**INSECTS AND PESTS**

See DESTRUCTIVE INSECT AND PEST ACT.

INSOLVENCY

*See* BANKRUPTCY ACT.

INSPECTION AND SALE ACT, 1938. (1938, c. 32)

**Regulations respecting Binder Twine and Flax Fibre**

UNDER AND BY VIRTUE of the authority conferred upon me in the Inspection and Sale Act, 1938, I hereby rescind all Regulations made under the said Act and substitute therefor Regulations as follows which shall be effective on and after December 15, 1948:

THE INSPECTION AND SALE REGULATIONS

1. In these Regulations "Act" means The Inspection and Sale Act, 1938.

PART I—BINDER TWINE

*Sampling and Testing*

2. (1) One ball of binder twine in any one hundred bales or part thereof constituting the lot for inspection shall be selected as an official sample or samples for any of the purposes of the Act.

(2) The length of binder twine per pound as stated by the manufacturer, importer or vendor on the label shall be verified by weighing that length of twine drawn from the official sample and comparing the result with the length stated on the label.

(3) The twine for the test shall be measured subject to a tensile pull of approximately twenty-five pounds.

(4) The part of the ball that has been tested and the remainder of the ball shall be retained by the official analyst who made the test for at least six months after the result of the test is reported.

*Importation*

3. (1) Every shipment of binder twine for importation into Canada shall be accompanied by a signed statement of the shipper or importer, in triplicate, which shall be attached to the invoice for customs purposes.

(2) The said signed statement shall be in the following form:

The Collector of Customs,

Port of .....

I, ..... the Shipper or Importer of  
(name)

.....  
(address)

do hereby certify as to the correctness of the following information with respect to this shipment of binder twine for entry into Canada:

(a) The name and address of the manufacturer:

.....  
.....



**Inspection and Sale Act—continued**

(b) The name and address of the shipper or importer (if signed by the shipper give name and address of importer; if signed by the importer give name and address of shipper);

.....  
.....

(c) Particulars of the shipment:

Number of bales in each lot	Number of balls in each bale	Weight per ball	Labelled feet per pound
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

.....  
(Signature of shipper or importer)

.....  
(Date)

.....  
(Address)

Shippers and importers may obtain the above forms at any Plant Products Division office in Canada.

(3) The Collector of Customs at the port of entry shall forward one copy of the signed statement to the nearest office of the Plant Products Division, and shall not release any shipment of binder twine until he has been notified by an inspector to release such shipment.

**PART 1-A—FLAX FIBRE**

4. The classes of flax fibre are as follows:

- (a) SCUTCHED FLAX being flax fibre recovered from retted fibre flax straw and processed in such a manner as to render it suitable for hackling by retaining the fibres in their original relationship to one another in respect to seed and root ends;
- (b) SCUTCHED FLAX Tow being flax fibre recovered from retted flax straw or a by-product of scutched flax processed in such a manner that no regard is given to the relationship of root and seed ends.

5. The standards of grade of flax fibre are as follows:

(a) SCUTCHED FLAX

- (i) *Canada Grade 1*—Shall be—of good uniform colour, practically free from shives, well combed, of good tensile strength and spinning quality, and in length, reasonably uniform and not less than 20 inches squared.
- (ii) *Canada Grade 2*—Shall be—of uniform colour, practically free from shives, satisfactorily combed, of reasonably good tensile strength, and in length, not less than 20 inches squared.
- (iii) *Canada Grade 3*—Shall be—reasonably free from shives, satisfactorily combed, in length, not less than 20 inches squared. It may contain a small proportion of foxy-coloured or off-coloured poorly retted fibre.

**Inspection and Sale Act—continued**

- (iv) *Canada Grade 4*—Shall be—reasonably free from shives and in length, not less than 20 inches squared. It may contain foxy-coloured or off-coloured poorly retted fibre but must be of satisfactory spinning quality.

**(b) SCUTCHED FLAX TOW**

- (i) *Pluckings*  
*Canada Grade Pl.*—is comprised of short pieces of fibre obtained from dressing scutched flax and, therefore, it must be at least equal to the standards applicable as prescribed for Canada Grade 4.
- (ii) *Canada Grade A*—Shall be—tow recovered from retted flax straw and is required to be of uniform grey colour, fine in texture, of best possible length and strength, of good spinning quality, free from knots and well cleaned.
- (iii) *Canada Grade B*—Shall be—tow recovered from entire retted flax straw and is required to be of good colour, containing not more than 10 per cent of foxy-coloured or off-coloured fibre, reasonably clean and of good strength and length. The fibre may be dryer and coarser than in Canada Grade A.
- (iv) *Canada Grade C*—Shall be—tow recovered from entire retted flax straw and is required to be reasonably well cleaned, of reasonably good length and strength. It may contain foxy-coloured or off-coloured fibre but must be of a satisfactory spinning quality.
- (v) *Canada Grade D*—Shall be—tow recovered from retted flax straw or a by-product of scutched flax and is required to be reasonably clean, reasonably free from knots, of good colour, containing not more than 10 per cent foxy-coloured or off-coloured fibre but may be composed of fibres shorter and weaker than the three preceding grades.
- (vi) *Canada Grade E*—Shall be—tow recovered from retted flax straw or a by-product from the scutching of flax and is required to be reasonably clean, reasonably free from knots, but may contain fibres shorter and weaker than the four preceding grades.
- (vii) *Canada Grade F*—Shall be—tow recovered from entire retted flax straw or a by-product from the scutching of flax, excluded from the preceding grades on account of lack of strength, length, colour or cleanliness, but containing a sufficient degree of such qualities as to be of spinnable value.

6. (1) Subject to subsection two of this section, for the purposes of these regulations the grade, class and quality of flax fibre shall be such as are determined by an inspector.

(2) Any person who questions or disputes any grade, class or quality as determined by an inspector may refer the question or dispute, together with a sample of the flax fibre in question, to the Chief, Fibre Division of the Department of Agriculture, Ottawa, and his determination of the grade, class or quality shall be final.

(3) An inspector shall retain a representative sample of each lot of flax fibre inspected by him for at least six months after the inspection.

**Inspection and Sale Act—concluded**

7. An inspector may issue a certificate with respect to any flax fibre inspected by him showing the number of the certificate, the class of the flax fibre and the grade and quantity thereof together with the date and place of inspection.

8. Every bale of flax fibre shall be labelled by or under the authority of an inspector so as to show—

- (a) the name and address of the processor or vendor, as the case may be;
- (b) the address of the mill where the flax fibre was processed;
- (c) the class and grade of the flax product as determined under sections four and five of these regulations; and
- (d) the number of the inspection certificate issued by the inspector.

9. Application for inspection of flax fibre shall be made on a prescribed form to the District Supervisor of Plant Products Division, Dominion Department of Agriculture, in whose district the inspection is to take place.

10. Every applicant shall pay a fee of one dollar for each ton of flax fibre or part thereof inspected pursuant to these regulations.

JAMES G. GARDINER,  
*Minister of Agriculture.*

Dated at Ottawa, this 6th of December, 1948.

INSURANCE. *See also* CIVIL SERVICE INSURANCE ACT; EXPORT CREDITS INSURANCE ACT; RETURNED SOLDIERS' INSURANCE ACT; UNEMPLOYMENT INSURANCE ACT; VETERANS INSURANCE ACT; WAR RISK INSURANCE ACT.

**CANADIAN AND BRITISH INSURANCE COMPANIES ACT, 1932.**  
(1932, c. 46)

**FOREIGN INSURANCE COMPANIES ACT, 1932. (1932, c. 47)**

**Regulations Determining and Defining Classes of Insurance**

P.C. 70

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 8th day of January, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the provisions of subsection (2) of section 2 of The Canadian and British Insurance Companies Act, 1932, and of the Foreign Insurance Companies Act, 1932, is pleased to order as follows:

**Canadian and British Insurance Companies Act—Foreign Insurance Companies Act—continued**

1. Orders in Council P.C. 1323 of February 22, 1941, and P.C. 27/6567 of August 18, 1943, which determine and define certain classes of insurance, are hereby revoked; and

2. The attached Regulation determining and defining Classes of Insurance is hereby made and established in substitution for the Orders in Council hereby revoked.

N. A. ROBERTSON,

*Clerk of the Privy Council.*

REGULATIONS DETERMINING AND DEFINING CLASSES OF INSURANCE

*Accident.*—"Accident Insurance" means and includes

- (a) "Personal Accident Insurance", which means insurance against loss or damage caused by bodily injury to or death of the person or persons insured arising out of an accident or the agreement to pay a certain sum or sums upon the happening of such contingencies,
- (b) "Public Liability Insurance," which means insurance against liability for loss or damage to persons or property, and not being insurance included in or incidental to some other class of insurance defined by or under this Act, and
- (c) "Employers' Liability Insurance," which means insurance against liability for loss or damage to employees caused by bodily injury, disability or death arising out of or in the course of employment.

*Aircraft.*—"Aircraft Insurance" means insurance against liability for loss or damage to persons or property caused by an aircraft or the use or operation thereof and against loss of, or damage to, an aircraft.

*Automobile.*—"Automobile Insurance" means insurance against liability for loss or damage to persons or property caused by an automobile or the use or operation thereof and against loss of, or damage to, an automobile.

*Boiler.*—"Boiler Insurance" means and includes

- (a) "Boiler Insurance," which means insurance against liability for loss or damage to persons or property and against damage to property or loss caused by explosion of, rupture of, or accident to steam boilers and pipes, engines and machinery connected therewith or operated thereby, and
- (b) "Machinery Insurance," which means insurance against liability for loss or damage to persons or property and against damage to property or loss caused by breakdown of machinery.

*Credit.*—"Credit Insurance" means insurance against loss caused by the insolvency or default of a person to whom credit is given, not being insurance included in or incidental to some other class of insurance defined by or under this Act.

*Earthquake.*—"Earthquake Insurance" means insurance against loss of, or damage to, property caused by an earthquake.

*Explosion.*—"Explosion Insurance" means insurance against loss of, or damage to, the property insured caused by explosion, other than explosion of steam boilers and pipes and engines and machinery connected therewith, and includes



**Canadian and British Insurance Companies Act—Foreign Insurance Companies Act—continued**

- (a) "Limited or inherent Explosion Insurance," which means insurance against loss of or damage to the property insured caused by the explosion of dust, gas, or any substance, where such explosion arises out of hazards inherent in the business conducted on the premises, and
- (b) "Civil Commotion Insurance," which means insurance against loss of or damage to the property insured caused by bombardment, invasion, insurrection, mutiny, civil war or commotion, riot, act of foreign enemy, hostilities or war-like operations (whether war is declared or not), revolution, rebellion, conspiracy, usurped power or military, naval or air force operations, vandalism or malicious mischief.

*Falling Aircraft.*—"Falling Aircraft Insurance" means insurance against loss of, or damage to, the property insured caused by aircraft or objects falling therefrom.

*Fire.*—"Fire Insurance" means insurance against loss of, or damage to, the property insured caused by fire, lightning or explosion due to ignition.

*Forgery.*—"Forgery Insurance" means insurance against loss caused by forgery.

*Guarantee.*—"Guarantee Insurance" means and includes

- (a) "Fidelity Insurance," which means insurance against loss caused by the unfaithful performance of duties by a person in a position of trust or the guaranteeing of the proper fulfilment of the duties of any office, and
- (b) "Surety Insurance," which means the guaranteeing of the due performance of any contract or undertaking, or the payment of a penalty or indemnity for any default.

*Hail.*—"Hail Insurance" means insurance against loss of, or damage to, property caused by hail.

*Limited Hail.*—"Limited Hail Insurance" means insurance against loss of, or damage to, property other than crops caused by hail.

*Impact by Vehicles.*—"Impact by Vehicles Insurance" means insurance against loss of, or damage to, the property insured caused by vehicles or objects falling therefrom.

*Inland Transportation.*—"Inland Transportation Insurance" means insurance, other than marine insurance, against loss of or damage to property while in transit or during delay incidental to transit.

*Live Stock.*—"Live Stock Insurance" means insurance against loss of or damage to animals caused by injury, sickness or death.

*Marine.*—"Marine Insurance" means insurance against liability for loss of or damage to persons or property and against loss of or damage to the property insured during a voyage or marine adventure on sea or inland waterways, or during incidental delay or transit otherwise than by water.

*Personal Property.*—"Personal Property Insurance" means insurance against loss of or damage to movable or personal property.

*Plate Glass.*—"Plate Glass Insurance" means insurance against loss of or damage to plate or other glass.

**Canadian and British Insurance Companies Act—Foreign Insurance Companies Act—concluded**

*Real Property.*—"Real Property Insurance" means insurance against loss of or damage to real or immovable property and not falling within the definitions of other classes covering property.

*Sickness.*—"Sickness Insurance" means insurance against loss caused by illness or disability of the person or persons insured, other than that arising from accident, old age or death.

*Sprinkler Leakage.*—"Sprinkler Leakage Insurance" means insurance against loss or damage to the property insured from water or other substance, caused by the breakage of or leakage from sprinkler equipment or other fire protection system or pumps, water pipes or plumbing and its fixtures.

*Theft.*—"Theft Insurance" means insurance against loss of or damage to property caused by theft, wrongful conversion, burglary, housebreaking or robbery.

*Water Damage.*—"Water Damage Insurance" means insurance, other than sprinkler leakage or weather insurance, against loss of, or damage to, property caused by the escape of water from plumbing or heating equipment of a building or from outside water mains, or by the melting of ice or snow on the roof of a building.

*Weather.*—"Weather Insurance" means insurance, other than hail insurance or windstorm insurance, against loss or damage caused by rain, tempest, flood or other climatic conditions.

*Windstorm.*—"Windstorm Insurance" means insurance against loss of or damage to property caused by windstorm, cyclone or tornado.

**IRRIGATION ACT. (R.S.C., 1927, c. 104)**

No statutory orders or regulations under this statute were in effect on December 31st, 1949.













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